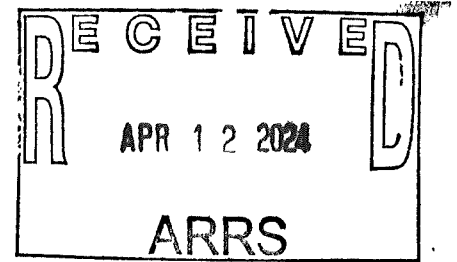




BOARD OF DENTISTRY

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Andy Beshear
GOVERNOR



Jeffrey Allen
EXECUTIVE DIRECTOR

April 12, 2023

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission 083, Capitol Annex
Frankfort KY 40601

Re: 201 KAR 8:533. Licensure of Dentists.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 8:533, the Board of Dentistry proposes the attached amendment to 201 KAR 8:533.

Sincerely,

A handwritten signature in black ink, appearing to read "JA", with a long horizontal flourish extending to the right.

Jeffrey Allen
Executive Director
Kentucky Board of Dentistry
312 Whittington Pkwy, Ste. 101
Louisville, KY 40222

Final, 3-28-2024

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS
Board of Dentistry

201 KAR 8:533. Licensure of dentists.

RELATES TO: KRS 39A.350-39A.366, 218A.205, 304.40-075, 313.010(9), 313.030, 313.254
STATUTORY AUTHORITY: KRS 218A.205, 313.021(1)(a), (b), (c), 313.035(1), (3), 313.254
NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.035 and 218A.205 require the board to promulgate administrative regulations relating to requirements and procedures for the licensure of dentists. This administrative regulation establishes requirements and procedures for licensure of dentists.

Section 1. General Licensure Requirements. An applicant desiring initial licensure in Kentucky as a general dentist shall~~[dental licensure in the Commonwealth shall at a minimum]:~~

- (1) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, verified by testing as necessary;
- (2) Submit a completed, signed, and notarized Application for Dental Licensure with an attached applicant photo taken within the past six (6) months;
- (3) Pay the fee required by 201 KAR 8:520;
- (4) Not be~~[currently]~~ subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;
- (5) Complete and pass the board's jurisprudence exam;
- (6) Hold an active~~[Provide proof of having current]~~ certification in cardiopulmonary resuscitation (CPR) or a more comprehensive program which meets or exceeds the American Heart Association Guidelines for CPR and ECC;
- (7) Submit to a nationwide state and federal criminal background check by fingerprint through the Department of Kentucky State Police;
- (8) Provide verification~~[within three (3) months of the date the application is received at the office of the board]~~ of any license to practice dentistry held previously or currently in any state or other licensing jurisdiction;
- (9) Hold a Doctor of Medicine in Dentistry (DMD) or Doctor of Dental Surgery (DDS) degree from a dental school, college, or department of a university accredited by the~~[Provide proof that the applicant is a graduate of a]~~ Commission on Dental Accreditation (CODA)~~[accredited dental school or college or dental department of a university];~~
- (10) Successfully complete~~[Provide proof that the applicant has successfully completed Part I and Part II of]~~ the National Board Dental Examination (NBDE) Part I and Part II or the Integrated National Board Dental Examination (INBDE)~~[, which is written and theoretical]~~, conducted by the Joint Commission on National Dental Examinations (JCNDE);~~[and]~~
- (11) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank; and
- (12) Complete all additional requirements for one (1) of the following:
 - (a) Licensure by clinical examination;
 - (b) Licensure by credentials; or
 - (c) Licensure by foreign training.

Section 2. Requirements for Licensure by Clinical Examination. (1) An individual desiring initial licensure in Kentucky as a general dentist by clinical examination shall:

- ~~(a) [(1)] [Each individual desiring initial licensure as a dentist by examination shall complete]~~ Complete all~~[of the]~~ requirements ~~[listed]~~ in Section 1 of this administrative regulation; and~~[.]~~
- ~~(b) [(2)] [Each individual desiring initial licensure as a dentist by examination shall successfully complete a]~~ Successfully complete all components of one (1) of the following~~[Each individual desiring initial licensure as a dentist by examination shall successfully complete a]~~ clinical examinations~~[examination]~~

within the five (5) years preceding the filing of the application~~[-The board shall accept the following regional clinical examinations]:~~

~~1.[(a)]~~ The examination of the Council of Interstate Testing Agencies (CITA);

~~2.[(b)]~~ The examination of the Central Regional Dental Testing Service (CRDTS);

~~3.[(c)]~~ The examination of the Commission on Dental Competency Assessments (CDCA);

~~4.[(d)]~~ The examination of the States Resources for Testing and Assessments~~[Southern Regional Testing Agency] (SRTA);[-and]~~

~~5.[(e)]~~ The examination of the Western Regional Examining Board (WREB); or

~~6.[(f)]~~ The Dental Licensure Objective Structured Clinical Examination (DLOSCE) of the *Joint Commission on National Dental Examinations (JCNDE)*.

~~(2)[(3)]~~ An individual applying more than two (2) years after graduating with a DDS or DMD, [An individual desiring initial licensure as a dentist by examination more than two (2) years after fulfilling all of the requirements of his or her CODA accredited dental education] shall:

(a) Hold a license to practice dentistry in good standing in another state or territory of the United States or the District of Columbia; or

(b) Complete a continuing education plan approved by the board~~[If the applicant does not hold a license to practice dentistry in good standing, complete a board approved refresher course prior to receiving a license to practice dentistry in the Commonwealth of Kentucky].~~

~~(3)[(4)]~~ An applicant who has taken a clinical examination three (3) times and failed to achieve a passing score shall~~[-not be allowed to sit for the examination again until the applicant has]complete[completed and passed] a remediation plan approved by the board.~~

Section 3. Requirements for Licensure by Credentials. An individual desiring initial licensure in Kentucky as a general~~[Each individual desiring initial licensure as a]~~ dentist by credentials shall:

(1) Complete all~~[-of the]~~ requirements~~[-listed]~~ in Section 1 of this administrative regulation;

(2) Successfully complete~~[Provide proof of having passed]~~ a state, regional, or national clinical examination used to determine clinical competency in a state or territory of the United States or the District of Columbia; and

(3) Be licensed and actively practicing dentistry in a state or territory of the United States or the District of Columbia for a least~~[Provide proof that, for] five (5) of the six (6) years [immediately-]preceding the filing of the application[-, the applicant has been engaged in the active practice of dentistry when he or she was legally authorized to practice dentistry in a state or territory of the United States or the District of Columbia if the qualifications for the authorization were equal to or higher than those of the Commonwealth of Kentucky].~~

Section 4. Requirements for Licensure by Foreign Training. (1) An individual desiring initial licensure in Kentucky as a general dentist who is a graduate of a non-CODA accredited dental school, college, or department of a university shall:

~~(a)[(1)]~~ Complete all requirements in Section 1 of this administrative regulation, except for subsection (9):

~~(b)[(2)]~~ Pass the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Service with a score of 650 on the paper-based test (PBT) or a score of 116 on the internet-based test (iBT), if English is not the applicant's primary language;

~~(c)[(3)]~~ Successfully complete two (2) years of postgraduate training in a CODA accredited general dentistry program;

~~(d)[(4)]~~ Submit a letter of satisfactory program completion from the program director of each postgraduate training site; and

~~(e)[(5)]~~ Successfully complete a clinical examination required by Section 2(1)(b)[(2)] of this administrative regulation within five (5) years preceding the filing of the application.

~~(2)[(6)]~~ An individual applying for dental licensure more than two (2) years after completing a CODA accredited general dentistry program shall:

(a) Hold a license to practice dentistry in good standing in another state or territory of the United States or the District of Columbia; or

(b) Complete a continuing education plan approved by the board.

Section 5. Requirements for Student Limited Licensure.

(1)(4) ~~An~~ Each individual desiring limited licensure in Kentucky as a student ~~limited license~~ shall:

(a)(4)(a) Complete all ~~of the~~ requirements ~~listed~~ in Section 1 of this administrative regulation, except for ~~with the exception of~~ subsections (9) and (10);

(b)(2)(b) ~~Submit~~ Provide a letter from the dean or program director of a postgraduate, residency, or fellowship program in ~~the Commonwealth of~~ Kentucky stating that the applicant has been accepted into the program and the expected date of completion;

(c)(3)(c) Submit a signed Statement Regarding Student Licensure Limitations; and

(d)(4)(d) Submit an official final transcript of the applicant's dental coursework with the degree posted.

(2)(5)(2) A student limited license holder ~~An individual licensed under this section~~ shall only practice dentistry in conjunction with programs of the dental school where the individual is a student and shall only provide professional services to patients of these programs.

(3)(6)(3) A student limited license may be renewed in accordance with Section 10 of this administrative regulation, but ~~Licenses issued under this section shall be renewed with all other dental licenses issued by the board and~~ shall automatically expire if/when the student graduates from or exits the program ~~upon the termination of the holder's status as a student~~.

(4)(7)(4) A program enrolling ~~an individual holding~~ a student limited license holder shall notify the board in writing of the date the student graduates from or exits the program.

(5)(8)(5) Nothing in this section shall prohibit:

(a) A student from performing a dental procedure ~~operation~~ under the direct supervision of a competent instructor within the dental school, college, or department of a university or private practice facility approved by the board. The board may authorize a student ~~of any dental college, school, or department of a university~~ to practice dentistry within a ~~in any~~ state or municipal institution, ~~or~~ public school, ~~or under the~~ board of health, ~~or in a~~ public clinic, or ~~a~~ charitable entity ~~institution~~. A fee shall not be accepted by the student beyond the expenses covered by a ~~provided by the~~ stipend;

(b) A student limited license holder from working under the general supervision of a licensed dentist within the confines of the postgraduate training program; and

(c) A volunteer health practitioner from providing services under KRS 39A.350-39A.366.

Section 6. ~~Section 5.~~ Requirements for Faculty Limited Licensure.

(1)(4) ~~An~~ Each individual desiring limited licensure in Kentucky as a faculty member ~~limited license~~ shall:

(a)(4)(a) Complete all ~~of the~~ requirements ~~listed~~ in Section 1 of this administrative regulation with the exception of subsections (9) and (10);

(b)(2)(b) ~~Submit~~ Provide a letter from the dean or program director of a Kentucky ~~the~~ dental school stating that the applicant has received ~~showing~~ a faculty appointment ~~with one (1) of the Commonwealth's dental schools~~;

(c)(3)(c) Submit a signed Statement Regarding Faculty Licensure Limitations; and

(d)(4)(d) Submit an official final transcript of the applicant's ~~his or her~~ dental coursework with the degree posted.

(2)(5)(2) A faculty limited license holder ~~An individual licensed under this section~~ shall only practice dentistry in conjunction with programs of the dental school where the individual is a faculty member and shall only provide professional services to patients of these programs.

(3)(6)(3) A faculty limited license may be renewed in accordance with Section 10 of this administrative regulation, but ~~Licenses issued under this section shall be renewed with all other dental licenses issued by the board and~~ shall automatically expire if/when the licensee leaves their faculty position ~~upon the termination of the holder's status as a faculty member~~.

(4)(7)(4) A program employing ~~an individual holding~~ a faculty limited license holder shall notify the board in writing of the date the licensee leaves his or her ~~their~~ faculty position ~~exits the program~~.

~~[Section 6.] [Requirements for Licensure of Foreign Trained Dentists.]~~

~~[(1)] [Each individual desiring licensure as a dentist who is a graduate of a non-CODA accredited dental program shall successfully complete two (2) years of postgraduate training in a CODA accredited general dentistry program and shall:]~~

~~[(a)] [Provide proof of having passed the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Service with a score of 650 on the paper-based test (PBT) or a score of 116 on the internet-based test (iBT), if English is not the applicant's native language;]~~

~~[(b)] [Submit a completed, signed, and notarized Application for Dental Licensure with an attached applicant photo taken within the past six (6) months;]~~

~~[(c)] [Pay the fee required by 201 KAR 8:520;]~~

~~[(d)] [Not be currently subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;]~~

~~[(e)] [Complete and pass the board's jurisprudence exam;]~~

~~[(f)] [Provide proof of having current certification in cardiopulmonary resuscitation (CPR) that meets or exceeds the American Heart Association Guidelines for CPR and ECC;]~~

~~[(g)] [Submit to a state and federal criminal background check by fingerprint through the Department of Kentucky State Police;]~~

~~[(h)] [Provide verification within three (3) months of the date the application is received at the office of the board of any license to practice dentistry held previously or currently in any state or jurisdiction;]~~

~~[(i)] [Provide proof of having successfully completed two (2) years postgraduate training in a CODA accredited general dentistry program;]~~

~~[(j)] [Submit one (1) letter of recommendation from the program director of each training site;]~~

~~[(k)] [Provide proof of successful completion of Part I and Part II of the National Board Dental Examination, which is written and theoretical, conducted by the Joint Commission on National Dental Examinations within the five (5) years preceding application for licensure;]~~

~~[(l)] [Provide proof of successfully completing within the five (5) years prior to application a clinical examination required by Section 2(2) of this administrative regulation; and]~~

~~[(m)] [Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.]~~

~~[(2)] [An individual desiring initial licensure as a dentist who is a graduate of a non-CODA accredited dental program and applies more than two (2) years after fulfilling all of the requirements of his or her postgraduate training in a CODA accredited general dentistry program shall:]~~

~~[(a)] [Hold a license to practice dentistry in good standing in another state or territory of the United States or the District of Columbia; or]~~

~~[(b)] [If the applicant does not hold a license to practice dentistry in good standing, complete a board approved refresher course prior to receiving a license to practice dentistry in the Commonwealth of Kentucky.]~~

Section 7. Requirements for Charitable Limited Dental Licensure.

~~(1)~~(4) An individual desiring limited licensure in Kentucky to provide charitable dental services~~[Each individual desiring a charitable limited license]~~ shall:

~~(a)~~(1)~~(a)~~ Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, verified by testing as necessary;

~~(b)~~(2)~~(b)~~ Submit a completed, signed, and notarized Application for Charitable~~[Dental]~~ Limited Licensure with an attached applicant photo taken within the past six (6) months;

~~(c)~~(3)~~(c)~~ Pay the fee required by 201 KAR 8:520;

~~(d)~~(4)~~(d)~~ Not be subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;

~~(e)~~(5)~~(e)~~ Hold~~[Have]~~ a license to practice dentistry in good standing in another state or territory of the United States or the District of Columbia; and

~~(f)~~(6)~~(f)~~ Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

~~(2)~~(7)~~(2)~~ A charitable limited dental license holder~~[An individual licensed under this section]~~ shall:

(a) Work only with charitable entities registered with the Cabinet for Health and Family Services that have met the requirements of KRS 313.254 and 201 KAR 8:581;

(b) Only perform procedures allowed by KRS 313.254(4) and (5) which shall be completed within the duration of the charitable event;

(c) Not prescribe any medications while practicing in Kentucky;

(d) Be eligible for the provisions of medical malpractice insurance procured under KRS 304.40-075; and

~~(e)(d)~~ Perform these duties without expectation of compensation or charge to the individual, and without payment or reimbursement by any governmental agency or insurer. [;]

~~(e)~~ [Have a charitable limited license that shall be valid for no more than two (2) years and shall expire during the regular dental renewal cycle; and]

~~(f)~~ [Comply with reciprocity requirements if applicable.]

~~[1.]~~ [A state that extends a reciprocal agreement shall comply with this section.]

~~[2.]~~ [An individual shall notify the sponsor of a charitable clinic and the board of the intent to conduct or participate in the clinic.]

~~[3.]~~ [An individual conducting or participating in a charitable clinic shall have a license to practice dentistry in the state in which the dentist practices.]

~~(3)~~ [A dentist licensed under this section shall not be allowed to prescribe any medications while practicing in the Commonwealth.]

Section 8. Requirements for Specialty Licensure. ~~An individual~~[Each individual] desiring initial licensure as a dental specialist in Kentucky as defined by KRS 313.010(9) shall:

(1) Submit a completed, signed, and notarized Application for Specialty Dental Licensure with an attached applicant photo taken within the past six (6) months;

(2) Pay the fee required by 201 KAR 8:520;

(3) Hold an active Kentucky license to practice general dentistry prior to being issued a specialty license; and

(4) Successfully complete[Submit satisfactory evidence of completing] a CODA accredited graduate or postgraduate specialty program after graduating[graduation] from a dental school.

Section 9. ~~Minimum~~Continuing Education Requirements. (1) A Kentucky licensed dentist shall complete thirty (30) hours of continuing education during the two (2) year licensure period defined by KRS 313.030(2), except in the following cases:

~~(a)(1)~~ A licensee who was issued a new or reinstated license in the second year of the current biennial license period shall only complete one-half the required hours for that period;

~~(b)(2)~~ A licensee who graduated in the first year of the current biennial license period shall only complete one-half the required hours for that period;

~~(c)(3)~~ A licensee who graduated in the second year of the current biennial license period shall not be required to complete continuing education hours for that period;

~~(d)(4)~~ A charitable limited license holder shall not be required to complete continuing education hours; or

~~(e)(5)~~ A licensee may be granted a hardship waiver or deferment if ~~the~~[such a] request is submitted to and approved by the board.

~~(4)~~ [Each individual desiring renewal of an active dental license shall complete thirty (30) hours of continuing education that relates to or advances the practice of dentistry and would be useful to the licensee's practice.]

~~(2)(6)~~[~~(2)~~] Acceptable continuing education content[hours] shall include[~~course content designed to increase~~]:

(a) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental treatment;

(b) Pharmaceutical[Knowledge of pharmaceutical] products and[~~the protocol of the~~] proper use protocols of medications;

(c) Competence to diagnose oral pathology;

(d) Awareness of currently accepted methods of infection control;

(e) Basic[Knowledge of basic] medical and scientific subjects[~~including biology, physiology, pathology, biochemistry, pharmacology, epidemiology, and public health~~];

- (f) ~~Clinical~~[Knowledge of clinical] and technological subjects;
- (g) ~~Patient~~[Knowledge of subjects pertinent to patient] management, safety, and oral healthcare;
- (h) ~~Mass~~[Competency in assisting in mass] casualty or mass immunization situations;
- (i) ~~Clinical dentistry performed on a charitable or volunteer basis~~[skills through the volunteer of clinical charitable dentistry that meets the requirements of KRS 313.254];
- (j) ~~Business~~[Knowledge of office business] operations and best practices; ~~and~~[or];
- (k) ~~Dental~~[Participation in dental] association or society business meetings.

~~(3)~~~~(7)~~~~(3)~~ The thirty (30) hours of continuing education shall include:

- (a) A minimum of ten (10) hours ~~shall be~~ taken in a live interactive presentation format;~~;~~
- (b)~~(4)~~ A maximum of ten (10) hours ~~total may be taken~~ that meet the requirements of subsection ~~(2)~~~~(4)~~~~(2)~~(i) - (k) of this section; ~~and~~;
- (c)~~(5)~~ A minimum of three (3) hours ~~of continuing education shall be taken~~ in the use of the Kentucky All Schedule Prescription Electronic Reporting System (KASPER), pain management, or addiction disorders.

~~(4)~~~~(8)~~~~(6)~~ Dentists who hold a board-issued sedation permit shall also meet the continuing education requirements of 201 KAR 8:550, Section 8.

~~(5)~~~~(9)~~~~(7)~~ All continuing education hours shall be documented by ~~verified by the receipt of~~ a certificate of completion or ~~certificate of~~ attendance bearing:

- (a) ~~A~~~~The~~ signature ~~of~~ or other verification of ~~by~~ the provider;
- (b) The name of the licensee in attendance;
- (c) The title of the course or meeting attended or completed;
- (d) The date of attendance or completion;
- (e) The number of hours earned; and
- (f) Evidence of the method of delivery if the course was taken in a live interactive presentation format.

~~(6)~~~~(10)~~~~(8)~~ The licensee shall be responsible for obtaining the qualifying documentation of continuing education ~~(It shall be the sole responsibility of the individual licensee to obtain documentation)~~ from the provider or sponsoring organization ~~verifying participation as established in subsection (7) of this section~~ and to retain those documents ~~the documentation~~ for a minimum of five (5) years.

~~(7)~~~~(11)~~~~(9)~~ During the ~~A~~ license renewal process, licensees ~~each licensee~~ shall attest to their compliance ~~the fact that he or she has complied~~ with the requirements of this section.

~~(8)~~~~(12)~~~~(10)~~ Licensees ~~Each licensee~~ shall be subject to audit of their compliance with the requirements of this section ~~proof of continuing education compliance by the board~~.

Section 10. ~~Requirements for~~Renewal of a Dental License.

~~(1)~~~~(4)~~ All dental licenses issued by the board shall expire on December 31 of odd-numbered years and shall ~~must~~ be renewed to remain active. A licensee ~~Each individual~~ desiring renewal of an active general, specialty, student limited, or faculty limited dental license shall:

- ~~(a)~~~~(1)~~~~(a)~~ Submit a ~~signed,~~ completed and signed Application for Renewal of Dental Licensure;
- ~~(b)~~~~(2)~~~~(b)~~ Pay the fee required by 201 KAR 8:520;
- ~~(c)~~~~(3)~~~~(c)~~ Maintain an active~~, with no more than a thirty (30) day lapse, CPR~~ certification in CPR or a more comprehensive program that meets or exceeds the American Heart Association Guidelines for CPR and ECC ~~unless a hardship waiver is approved by the board~~; and
- ~~(d)~~~~(4)~~~~(d)~~ Meet the continuing education requirements ~~as provided for~~ in Section 9 of this administrative regulation ~~except in the following cases:~~
 - [1.] ~~If a hardship waiver has been submitted to and is subsequently approved by the board;~~
 - [2.] ~~If the licensee graduated in the first year of the biennial license period, the licensee shall complete one-half (1/2) of the hours as outlined in Section 9 of this administrative regulation; and~~
 - [3.] ~~If the licensee graduated in the second year of the biennial license period, the licensee shall not be required to complete the continuing education requirements outlined in Section 9 of this administrative regulation.~~

~~(2)~~~~(5)~~~~(2)~~ ~~If~~ A licensee who has not actively practiced dentistry in the two (2) ~~consecutive~~ years preceding the filing of the renewal application shall complete a continuing education plan approved by the board~~, he or she shall complete and pass a board-approved refresher course~~ prior to resuming the active practice of dentistry.

~~(3)/(6)~~ A licensee desiring renewal of a charitable limited dental license shall repeat the initial licensure process required by Section 7 of this administrative regulation.

Section 11. Retirement of a Dental License.

~~(1)/(4)~~ A licensee~~[Each individual]~~ desiring to no longer hold an active dental license in Kentucky~~[retirement of a dental license]~~ shall submit a completed and signed Retirement of License Form.

~~(2)/(4)~~~~(2)~~ Upon receipt of this form, the board shall send written confirmation of retirement to the address provided~~[by the licensee on the Retirement of License form]~~.

~~(3)/(2)~~~~(3)~~ A licensee shall not retire a license that has~~[a]~~ pending disciplinary action against it.

~~(4)/(3)~~~~(4)~~ A license that is not properly retired or renewed shall be considered expired for reinstatement purposes~~[Each retirement shall be effective upon the processing of the completed and signed Retirement of License Form by the board]~~.

Section 12. Reinstatement of a Dental License.

~~(1)/(4)~~ A former licensee~~[Each individual]~~ desiring reinstatement of an expired or~~[a]~~ properly retired dental license in Kentucky shall:

~~(a)/(4)~~~~(a)~~ Submit a completed, signed, and notarized Application to Reinstate ~~[a]~~Dental or Dental Hygiene Licensure~~[License]~~ with an attached applicant photo taken within the past six (6) months;

~~(b)/(2)~~~~(b)~~ Pay the fee required by 201 KAR 8:520;

~~(c)/(3)~~~~(c)~~ Hold an active~~[Show proof of having current]~~ certification in CPR or a more comprehensive program that meets or exceeds the American Heart Association Guidelines for CPR and ECC;

~~(d)/(4)~~~~(d)~~ Provide verification~~[within three (3) months of the date the application is received at the office of the board]~~ of any license to practice dentistry obtained~~[held previously or currently]~~ in any state or other licensing jurisdiction since the applicant was first licensed in Kentucky;

~~(e)/(5)~~~~(e)~~ Submit to a nationwide state and federal criminal background check by fingerprint through the Department of Kentucky State Police; and

~~(f)/(6)~~~~(f)~~ Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

~~(2)/(7)~~~~(2)~~ An~~[If an individual applies to reinstate a license within two (2) years of when the license was last active, the individual shall provide proof of having met the continuing education requirements as outlined in Section 9 of this administrative regulation within those two (2) years.]~~

~~(3)~~ ~~[If the]~~ applicant who has not actively practiced dentistry in the two (2)~~[consecutive]~~ years ~~[immediately]~~preceding the filing of the reinstatement application~~[, the applicant]~~ shall complete~~[and pass]~~ a continuing education plan~~[refresher course]~~ approved by the board prior to resuming the active practice of dentistry.

~~(3)/(8)~~ A former licensee who applies to reinstate an expired license that was not properly retired shall be subject to:

(a) The expired license reinstatement penalties in 201 KAR 8:520 if applying less than two (2) years from when the license was last active; or

(b) The same reinstatement fees as a properly retired license if applying more than two (2) years from when the license was last active.

~~(4)~~ ~~[If a license is reinstated in the first year of the biennial license period, the licensee shall complete all of the continuing education requirements as outlined in Section 9 of this administrative regulation prior to the renewal of the license.]~~

~~(5)~~ ~~[If a license is reinstated in the second year of the biennial license period, the licensee shall complete one half (1/2) of the hours as outlined in Section 9 of this administrative regulation prior to the renewal of the license.]~~

Section 13. ~~[Requirements for]~~Verification of Licensure. An~~[Each]~~ individual desiring an official verification of a dental license held currently or previously in Kentucky shall:

(1) Submit a signed and completed Verification of Licensure or Registration Form; and

(2) Pay the fee required by 201 KAR 8:520.

Section 14. [~~Requesting a Duplicate License. Each individual desiring a duplicate dental license shall:~~
[(1)] [~~Submit a signed and completed Duplicate License or Registration Request Form; and~~
[(2)] [~~Pay the fee required by 201 KAR 8:520.~~]

[~~Section 15.~~] Issuance of Initial Licensure. Upon an applicant's completion of all[~~if an applicant has completed all of the~~] requirements for dental licensure within six (6) months of the date the application was received[~~at the office of the board~~], the board shall:

- (1) Issue a license in sequential numerical order; or
- (2) Deny licensure due to a violation of KRS Chapter 313 or 201 KAR Chapter 8.

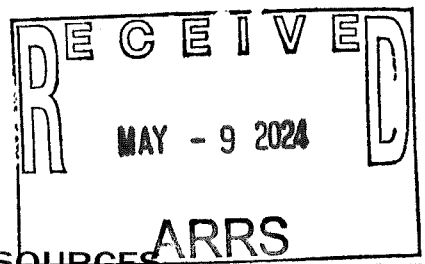
Section 15.[~~Section 16.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Application for Charitable [~~Dental~~] Limited Licensure", January 2024[~~May 2023~~];
- (b) "Application for Dental Licensure", January 2024[~~May 2023~~];
- (c) "Application for Renewal of Dental Licensure", January 2024[~~May 2023~~];
- (d) "Application for Specialty Dental Licensure", January 2024[~~February 2023~~];
- (e) "Application to Reinstate [~~a~~] Dental or Dental Hygiene Licensure[~~License~~]", January 2024[~~May 2023~~];
- (f) [~~"Duplicate License or Registration Request Form", January 2024~~][~~December 2022~~];
- (g) [~~"Retirement of License Form", January 2024~~][~~February 2023~~];
- (g) [(h)] "Statement Regarding Faculty Licensure Limitations", January 2024[~~May 2023~~];
- (h) [(i)] "Statement Regarding Student Licensure Limitations", January 2024[~~May 2023~~];
- (i) [(j)] "Verification of Licensure or Registration Form", January 2024[~~February 2023~~]; and
- (j) [(k)] "2020 American Heart Association Guidelines for CPR and ECC", 2020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. through 4:30 p.m. This material is also available on the board's Web site at <http://dentistry.ky.gov>.

CONTACT PERSON: Jeff Allen, Executive Director, Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, phone (502) 429-7280, fax (502) 429-7282, email jeffrey.allen@ky.gov.



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

Rich Storm
Commissioner

#1 Sportsman's Lane
Frankfort, Kentucky 40601
Phone (502) 564-3400
Fax (502) 564-0506

Brian Clark
Deputy Commissioner

Gabe Jenkins
Deputy Commissioner

May 9, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
Rm 083, Capitol Annex
Frankfort KY 40601

Re: 301 KAR 2:132 Elk hunting seasons, permits, zones and requirements

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 2:132, Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 2:132.

Sincerely,

A handwritten signature in cursive script that reads "Jenny Gilbert".

Jenny Gilbert
Legislative Liaison
Commissioner's Office
Kentucky Department of Fish and Wildlife Resources
1 Sportsmen's Lane
Frankfort, KY 40601

**Staff-suggested Amendment
Final Version
5/6/2024**

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources**

301 KAR 2:132. Elk hunting seasons, permits, zones, and requirements.

Page 6

Section 3(14)

Line 13

After "secondary drawing, shall", delete ":".

Page 20

Section 15(2)(b)

Line 17

After "electronically", insert "by".

Delete "via".

Page 21

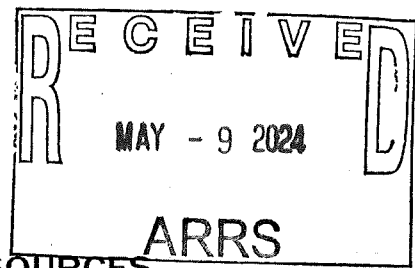
Section 15(3)

Line 4

After "criteria in", insert the following:

subsection (2) of this section

Delete "(3) above".



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

Rich Storm
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Brian Clark
Deputy Commissioner

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Deputy Commissioner

May 9, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
Rm 083, Capitol Annex
Frankfort KY 40601

Re: 301 KAR 3:030. Year-round season for wildlife, and 301 KAR 003:130 Public Use of Conservation Camp Properties

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 3:030 and 301 KAR 3:130, Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 3:030 and 301 KAR 3:130.

Sincerely,

A handwritten signature in cursive script that reads "Jenny Gilbert".

Jenny Gilbert
Legislative Liaison
Commissioner's Office
Kentucky Department of Fish and Wildlife Resources
1 Sportsmen's Lane
Frankfort, KY 40601

Staff-suggested Amendment

Final Version

5/6/2024

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources**

301 KAR 3:030. Year-round season for wildlife.

Page 1

RELATES TO paragraph

Line 6

After "150.990", delete ".".

Page 1

STATUTORY AUTHORITY paragraph

Line 7

After "KRS 150.025(1)", insert "150.175".

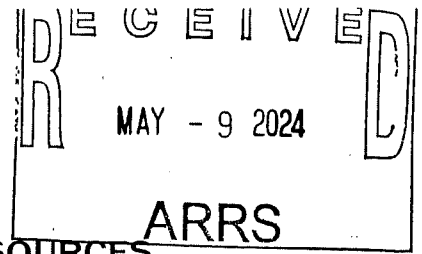
Page 3

Section 4(1)

Line 15

After "KRS 150.170", insert ", Section".

Delete "section".



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

Rich Storm
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Brian Clark
Deputy Commissioner

Gabe Jenkins
Deputy Commissioner

May 9, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
Rm 083, Capitol Annex
Frankfort KY 40601

Re: 301 KAR 3:030. Year-round season for wildlife, and 301 KAR 003:130 Public Use of Conservation Camp Properties

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 3:030 and 301 KAR 3:130, Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 3:030 and 301 KAR 3:130.

Sincerely,

A handwritten signature in cursive script that reads "Jenny Gilbert".

Jenny Gilbert
Legislative Liaison
Commissioner's Office
Kentucky Department of Fish and Wildlife Resources
1 Sportsmen's Lane
Frankfort, KY 40601

SUGGESTED SUBSTITUTE

Final Version: 05/09/24 at 11:11 a.m.

301 KAR 3:130. Public use of conservation camp properties.

RELATES TO: KRS ~~[13B,]~~150.025, 150.0241, 150.170, 28 C.F.R. 35, 36, 43 C.F.R. 17

STATUTORY AUTHORITY: KRS 150.025(1), 150.179(2), 150.620~~[-150.0241]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.179(2) authorizes the department to approve certain special events that provide education or appreciation of the recreational activity. *KRS 150.0241 authorizes the department to impose and enforce special administrative regulations on lands managed for public hunting, fishing, and related recreational uses*~~[43 C.F.R. Part 17 and 28 C.F.R. parts 35 and 36 mandate that state government agencies comply with the Americans with Disabilities Act]~~. This administrative regulation establishes procedures to allow individuals meeting defined criteria for mentored events to boat, fish, hunt, shoot, or trap as part of a department-approved activity or program. ~~[KRS 150.0241 authorizes the department to impose and enforce special administrative regulations on lands managed for public hunting, fishing, and related recreational uses.]~~ This administrative regulation *establishes prohibitions for*~~[prohibits]~~ certain actions inconsistent with the intended purpose of conservation camp properties *and*~~[,]~~ establishes requirements for other uses *of*~~[, and stipulates the procedure for obtaining group use permits on]~~ these areas.

Section 1. Definitions.

(1) "Adult" means a person who is at least eighteen (18) years of age.

(2) "Bait":

(a) Means~~[(a)]~~ a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, that could lure, entice, or attract wildlife; and

(b) Does not mean the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to wildlife through normal agricultural practices of livestock feeding if the areas are occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices.

(3) "Conservation camp" means a tract of land:

(a) Controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) That is utilized to host ~~[summer-]~~conservation camps~~[-for Kentucky children]~~.

(4) "Event" means a boating, fishing, hunting, shooting, or trapping activity, conducted by the department.

~~(5) ["Experienced" means a person who has often participated in a particular activity in the past and is well versed in the techniques, equipment, and safety concerns for the activity.]~~

~~(6) "Injurious substance" means a substance which may be injurious to aquatic life, wildlife, or wildlife habitat.~~

~~(7) "Mentee" means *an individual who*~~[a youth or novice adult hunter, trapper or angler that]~~ is participating or going to participate in a mentored event *to receive guidance and instruction from a mentor to learn the lawfully compliant methods and techniques for engaging in the activity being performed in the mentored event.*~~

~~(6) [(8)] "Mentor" means an adult *who*:~~

(a) Has previously participated in a particular activity;

(b) Is well versed in the techniques, equipment, and safety concerns related to the[~~-, experienced in the type of~~] activity that is to occur at an event; and

(c) Passes[~~-, who must submit to and pass~~] a background check prior to accompanying a mentee during a mentored event.

(7)[~~(9)~~] "Mentored event" means an event during a statewide season in which mentors accompany mentees.

(8)[~~(10)~~] "Mobility-impaired" means an individual who meets the requirements of 301 KAR 3:026, Section 2(1).

(9)[~~(11)~~] "Novice" means a person who has not:

(a) Held the applicable license for an event activity for more than two (2) license years in total;

(b)[~~-, has not~~] Held the applicable license for an event activity within the past **three (3)[~~five (5)~~] years;**

(c)[~~-, has not~~] Successfully harvested the targeted species for an event within the past **three (3)[~~five (5)~~] years;[~~-,~~] or**

(d) For shooting and boating activities, [~~has not~~] participated in the activity more than five (5) times within the past **three (3)[~~five (5)~~] years.**

(10)[~~(12)~~] "Participant" means an individual who engages in boating, fishing, hunting, shooting, or trapping, as part of an event.

[~~(13) "Youth" means a person fifteen (15) years old or younger on the date of their license purchase.]~~

Section 2. General Requirements.

(1) Unless established in this administrative regulation, statewide requirements shall apply.

(2) A person shall only hunt or trap in the area assigned to them by department staff.

(3) While upon a conservation camp property, a person shall not:

(a) Enter a portion of a conservation camp property designated by signage as closed to public access;~~[-]~~

(b) Camp, except in a designated area;~~[-]~~

(c) Place or distribute bait or otherwise participate in baiting wildlife on a conservation camp property;~~[-]~~

(d) Hunt over bait; **or** ~~[-]~~

(e) Possess or be under the influence of alcohol or "illicit substances", as **defined by**~~[established in]~~ KRS 351.010**(1)(l)**, at any time while on conservation camp property.

(4) Only individuals who possess valid hunter education certification may participate in a hunting or trapping event.

(5) To participate in an event as a mentee, an individual shall be under eighteen (18) years of age or a novice in the activity.

Section 3. Mentored Events.

(1) Unless license exempt, as established in KRS 150.170, the mentee shall abide by any license requirements and daily harvest and possession limits.

(2) A mentor shall:

(a) Accompany a mentee;

(b) Remain in a position at all times to take immediate control of a mentee's bow, crossbow, firearm, or any equipment used to legally hunt, trap, or fish; **and**

(c) Not be required to possess a hunting license or related permits **for the mentor to:**

1. Track and dispatch a wounded animal;

2. Retrieve an animal; or

3. Render other assistance in accordance with KRS Chapter 150 and 301 KAR Chapters 2 and 3[, if only assisting the mentee].

(3) A mentee shall:

- (a) Accompany a mentor;
- (b) Remain in a position at all times so that the mentor may take immediate control of the mentee's bow, crossbow, firearm, or any equipment used to legally hunt, trap, or fish; and
- (c) Possess all required licenses and permits.

Section 4. Mobility-impaired Individuals.

(1) Individuals who are participating in an event, possess a Mobility-impaired Access Permit[,], as established in 301 KAR 3:026, and carry the permit on their person during the event, **may[shall be allowed]**, if otherwise qualified to do so at the event[~~, to do the following acts~~]:

(a) Discharge ~~[of]~~ a firearm or other legal hunting device from a motor vehicle if the vehicle is motionless and has its engine turned off. The motor vehicle shall be used as a place to wait or watch for game and shall not be used to chase, pursue, or drive game; ~~and[:]~~

(b) ~~[May]~~ Operate electric wheelchairs, ATV's, and other passenger vehicles on or off gated, ungated, or open-gated roads otherwise closed to vehicular traffic, but the individual shall do so only on designated portions of camp property.

(2) ATV users shall adhere to manufacturer recommendations while utilizing ATVs on camp property.

~~[(3) A mentee or mentor accompanying a mobility-impaired individual during an event shall be permitted to:~~

~~(a) Track and dispatch a wounded animal;~~

~~(b) Retrieve an animal; or~~

~~(c) Render other assistance in accordance with KRS Chapter 150 and 301 KAR Chapters 2 and 3.~~

~~(4) A mentee or mentor accompanying a mobility-impaired individual during an event shall not:~~

~~(a) Operate his or her own ATV; or~~

~~(b) Hunt or shoot from an ATV.]~~

Section 5. General Requirements on Federally Owned Areas.

(1) Unless established in this administrative regulation, statewide requirements shall apply.

(2) A person shall:

(a) Not hunt except on assigned dates and in assigned areas; and

(b) Comply with all requirements established by the agency controlling the area.



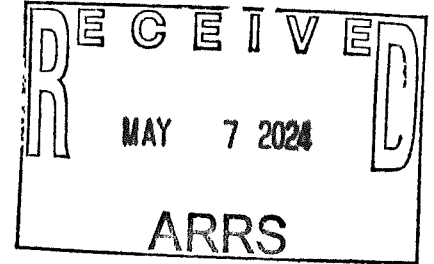
Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES

Eric Friedlander
SECRETARY

275 East Main Street, 5W-A
Frankfort, Kentucky 40621
Phone: (502) 564-7042
Fax: (502) 564-7091

May 7, 2024



Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
Capitol Annex, Room 83
Frankfort, KY 40601

Re: 922 KAR 1:140 Staff Suggested Amendment

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of issues raised by 922 KAR 1:140, the Department for Community Based Services proposes the attached LRC staff suggested amendment. If you have any questions, please contact Laura Begin at Laura.Begin@ky.gov.

Sincerely,

Stacy Carey
Executive Staff Advisor
Office of Legislative and Regulatory Affairs

**Staff-suggested Amendment
4/22/2024**

**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(Amended After Comments)**

922 KAR 1:140. Permanency services.

Page 2

Section 1(2)

Lines 6 and 7

After "(2)", delete the following:

"Age or developmentally appropriate" is defined by KRS 600.020(2).
(3)

Renumber subsequent subsections accordingly.

Page 2

Section 1(9)

Line 21

After "KRS 620.020", insert "(13)".

Delete "(11)".



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES

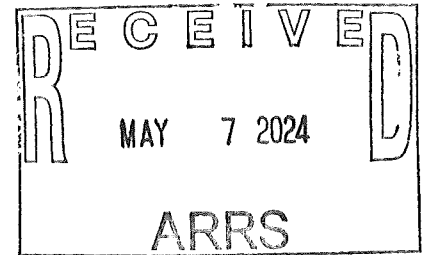
Eric Friedlander
SECRETARY

275 East Main Street, 5W-A
Frankfort, Kentucky 40621

Phone: (502) 564-7042

Fax: (502) 564-7091

May 7, 2024



Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
Capitol Annex, Room 83
Frankfort, KY 40601

Re: 922 KAR 1:145 Staff Suggested Amendment

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of issues raised by 922 KAR 1:145, the Department for Community Based Services proposes the attached LRC staff suggested amendment. If you have any questions, please contact Laura Begin at Laura.Begin@ky.gov.

Sincerely,

A handwritten signature in cursive script that reads "Krista Quarles".

Krista Quarles
Policy Analyst

Staff-suggested Amendment

4/22/2024

**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency**

922 KAR 1:145. Subsidized permanent custody.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 10

After "KRS 194A.050(1)", insert "requires".
Delete "authorizes".

Page 2

Section 1(2)

Lines 5 and 6

After "(2)", delete the following:

"Case permanency plan" is defined by KRS 620.020(1).
(3)

Renumber subsequent subsections accordingly.

Page 2

Section 2

Line 23

After "Eligibility of Child.", delete "In order".

Page 3

Section 2(5)

Lines 12 and 13

After "(16) or older", delete "in order".

Page 4

Section 3(1)

Line 1

After "(1)", delete "In order".

Page 5

Section 4(2)

Line 1

After "custody agreement", delete "in order".

Page 5

Section 5(1)(a)

Line 8

After "zero dollars", delete "(\$0)".

Page 5

Section 5(1)(b)

Line 10

After "as of the date", delete "that".

Page 6

Section 7(3)

Line 23

After "caregiver", insert ":",

Delete ":",

Page 7

Section 7(5)

Lines 7 and 8

After "to this section", delete "of the administrative regulation".

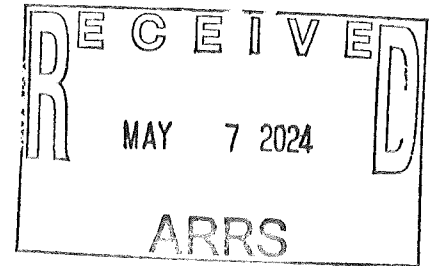


Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES

Eric Friedlander
SECRETARY

275 East Main Street, 5W-A
Frankfort, Kentucky 40621
Phone: (502) 564-7042
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May 7, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
Capitol Annex, Room 83
Frankfort, KY 40601

Re: 922 KAR 5:120 Suggested Substitute

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of issues raised by 922 KAR 5:120, the Department for Community Based Services proposes the attached LRC suggested substitute. If you have any questions, please contact Laura Begin at Laura.Begin@ky.gov.

Sincerely,

A handwritten signature in cursive script that reads "Krista Quarles".

Krista Quarles
Policy Analyst

SUGGESTED SUBSTITUTE

Final Version: 04/18/24 at 2:05 p.m.

**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency**

922 KAR 5:120. Vulnerable adult maltreatment [~~Caregiver misconduct~~] registry and appeals.

RELATES TO: KRS [~~Chapter 13B,~~] 194A.060, [~~205.140,~~] Chapter 209, 42 U.S.C. 1320d_- 1320d-9, [42 U.S.C. 1397_- 1397e, 1397m-1

STATUTORY AUTHORITY: KRS 194A.050(1), 209.032(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary to adopt all administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth and necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 209.032(5) requires the cabinet to promulgate administrative regulations necessary to implement a central registry of substantiated findings. This administrative regulation establishes the vulnerable adult maltreatment[~~caregiver misconduct~~] registry, due process prior to the addition of an individual to the registry, and error resolution for correction of the cabinet's records.

Section 1. Definitions.

(1) "Abuse" is defined by KRS 209.020(8).

(2) "Adult" is defined by KRS 209.020(4).

(3) "Cabinet" means the Cabinet for Health and Family Services.

(4) "Department" is defined by KRS 209.020(3).

(5)[(4)] "Employee" is defined by KRS 209.032(1)(a).

(6)[(5)] "Exploitation" is defined by KRS 209.020(9).

(7)[(6)] "Good cause" means justification for failure to carry forward with a legal obligation related to an appeal, including:

(a) An appellant's inability to comprehend the cabinet's written statement describing appeal rights; or

(b) A cabinet-sanctioned determination that the appellant or the appellant's legal representative is not at fault for failure to:

1. Submit a written request for appeal; or

2. Participate in a proceeding related to an administrative hearing.

(8)[(7)] "Investigation" is defined by KRS 209.020(10).

(9)[(8)] "Near fatality" means an injury or condition, as certified by a physician, that places an adult in serious or critical condition.

(10)[(9)] "Neglect" is defined by KRS 209.020(16).

(11)[(10)] "Records" is defined by KRS 209.020(15).

(12)[(11)] "Secure methodology" means the deployment of technology to protect the application's authenticity and to keep user communications, browsing, and identity private in accordance with KRS 209.032.

(13)[(12)] "Validated substantiated finding of adult abuse, neglect, or exploitation" is defined by KRS 209.032(1)(b).

(14)[(13)] "Vulnerable adult services provider" is defined by KRS 209.032(1)(c).

Section 2. Vulnerable Adult Maltreatment~~[Caregiver misconduct]~~ Registry.

- (1) The cabinet shall establish a vulnerable adult maltreatment~~[caregiver misconduct]~~ registry that contains an individual:
 - (a) Who was an employee or a person acting with the expectation of compensation;
 - (b) Who was the perpetrator of adult abuse, neglect, or exploitation:
 1. Pursuant to 922 KAR 5:070; and
 2. Substantiated on or after July 15, 2014; and
 - (c) With a validated substantiated finding of adult abuse, neglect, or exploitation.
- (2) An individual with a validated substantiated finding of adult abuse, neglect, or exploitation shall:
 - (a) Remain on the vulnerable adult maltreatment~~[caregiver misconduct]~~ registry for a period of at least seven (7) years; and
 - (b) Be removed from the vulnerable adult maltreatment~~[caregiver misconduct]~~ registry:
 1. In accordance with the error resolution process ***established[described]*** in Section 6 of this administrative regulation if an error is confirmed; or
 2. After a period of seven (7) years if:
 - a. No additional validated substantiated finding of adult abuse, neglect, or exploitation has occurred since the last finding for which the individual's name was placed on the vulnerable adult maltreatment~~[caregiver misconduct]~~ registry; and
 - b. Cabinet records indicate that the incident for which the individual's name was placed on the vulnerable adult maltreatment~~[caregiver misconduct]~~ registry did not relate to an adult fatality or near fatality related to adult abuse or neglect.
- (3) The vulnerable adult maltreatment~~[caregiver misconduct]~~ registry shall be available for a web-based query using a secure methodology by:
 - (a) A vulnerable adult services provider in accordance with KRS 209.032(2);~~and~~
 - (b) An individual in accordance with KRS 209.032(3); and
 - (c) An employee of the cabinet with a legitimate interest in the case.
- (4) The vulnerable adult maltreatment~~[caregiver misconduct]~~ registry shall be accessible through:
 - (a) The department's main webpage; or
 - (b) Another cabinet system, such as the Kentucky Applicant Registry and Employment Screening (KARES) Program established in accordance with 906 KAR 1:190.
- (5) If an individual or a vulnerable adult services~~[service]~~ provider ***established[described]*** in KRS 209.032(1)(c)11 does not have access to the internet, the individual or provider shall submit a signed and completed DPP-246, Vulnerable Adult Maltreatment~~[Caregiver misconduct]~~ Registry Self-Query, to conduct a self-query in accordance with KRS 209.032(2) or (3).

Section 3. Notification of Finding.

- (1) If the cabinet finds that an employee or a person acting with the expectation of compensation has committed adult abuse, neglect, or exploitation in accordance with 922 KAR 5:070, the cabinet shall send notice of the finding to the perpetrator by certified mail to the perpetrator's last known address.
- (2) The cabinet's notice of a finding of adult abuse, neglect, or exploitation to an employee or a person acting with the expectation of compensation shall include:
 - (a) The factual basis for the finding of adult abuse, neglect, or exploitation;
 - (b) The results of the investigation;
 - (c) The perpetrator's right to appeal the substantiated finding in accordance with KRS 209.032 and this administrative regulation;

- (d) A statement that a finding shall become a validated substantiated finding of adult abuse, neglect, or exploitation in accordance with KRS 209.032 and Section 5 of this administrative regulation; and
- (e) A statement that a perpetrator of a validated substantiated finding of adult abuse, neglect, or exploitation shall be added to the vulnerable adult maltreatment~~[caregiver misconduct]~~ registry.

(3)

(a) The cabinet shall reserve the right, in its sole discretion, to amend, modify, or reverse its investigative finding of adult abuse, neglect, or exploitation at any time if the finding appears to be improper based upon:

1. A review of the cabinet's records; or
2. Subsequent discovery of additional information.

(b) If amendment, modification, or reversal of an investigative finding results in a substantiated finding of abuse or neglect of an adult, the cabinet shall act in accordance with Section 3(1) and(2) of this administrative regulation.

Section 4. Request for Appeal.

(1) In accordance with KRS 209.032, if the cabinet makes a finding that an employee or a person acting with the expectation of compensation has committed adult abuse, neglect, or exploitation, the individual shall have the right to appeal the substantiated finding through an administrative hearing.

(2) A request for appeal shall:

(a) Be submitted:

1. In writing by the appellant, with the assistance of the cabinet if the appellant is unable to comply without assistance; and
2. To the cabinet no later than thirty (30) calendar days from the individual's receipt of the notice in accordance with Section 3(1) of this administrative regulation;

(b) **State[Describe]** the nature of the investigative finding;

(c) **State[Specify]** the reason the individual disputes the cabinet's substantiated finding; and

(d) Include a copy of the notice of a substantiated finding in accordance with Section 3 of this administrative regulation, if available.

(3) The cabinet shall not dismiss a request for appeal as untimely if an appellant demonstrates good cause.

(4) A final administrative decision made by the cabinet or cabinet's designee as a result of a previous appeal on the same issue or an unsubstantiated finding of adult abuse, neglect, or exploitation shall not be **reviewed[subject to review]** through an administrative hearing.

Section 5. Administrative Hearing.

(1) An administrative hearing conducted by the cabinet or its designee shall be in accordance with KRS Chapter 13B and 209.032.

(2) The cabinet's investigative finding shall become a validated substantiated finding of adult abuse, neglect, or exploitation if the:

(a) Perpetrator does not request an administrative hearing in accordance with Section 4 of this administrative regulation;

(b) Perpetrator fails to:

1. Participate in any stage of the proceedings after requesting an appeal in accordance with Section 4 of this administrative regulation; and
2. Demonstrate good cause; or

(c) Cabinet's substantiated finding is upheld through the administrative hearing process.

(3) The secretary or designee shall issue the final order in accordance with KRS 13B.120 and 209.032.

(4) A party aggrieved by the secretary's decision shall have the right to pursue judicial review in accordance with KRS 13B.140, 13B.150, and 209.032(1)(b).

(5) The proceedings of the administrative hearing shall be disclosed only in accordance with KRS 194A.060, ~~205.140~~, 42 U.S.C. 1320d-, 1320d-9, ~~42 U.S.C.~~ 1397-, 1397e, 1397m-1, 920 KAR 1:060, and 922 KAR 1:510.

(6) If the matter is not subject to the requirements of this section, the cabinet shall inform the person that the matter may be pursued through:

- (a) A service complaint process **established[described]** in ~~920-KAR-1:030-or~~ 922 KAR 1:320; or
- (b) The error resolution process in accordance with Section 6 of this administrative regulation.

Section 6. Error Resolution.

(1) In accordance with KRS 209.032(5)(a), an individual seeking error resolution shall:

(a) Submit a written request for record correction to the Commissioner of the Department for Community Based Services, 275 East Main Street (3W-A), Frankfort, Kentucky 40621;

(b) **State[Specify]** the:

- 1. Date of the vulnerable adult maltreatment~~[caregiver misconduct]~~ registry query which resulted in the error being identified; and
- 2. Error contained in the vulnerable adult maltreatment~~[caregiver misconduct]~~ registry query results; and

(c) Provide documentation that verifies the error, if available.

(2) Within thirty (30) days of receipt of a request in accordance with subsection (1) of this section, the commissioner or designee shall:

(a) Determine **if[whether]** an error exists; and

(b)

1. If the cabinet confirms an error:

- a. Correct the records; and
- b. Notify the requesting individual that the records have been corrected; or

2. If the cabinet cannot confirm an error:

- a. Notify the individual that an error cannot be confirmed based upon the information and documentation submitted with the request; and
- b. **Include[Outline]** information or documentation **to[that may]** verify an error pursuant to the individual's request, if any.

Section 7. Incorporation by Reference.

(1) The "DPP-246, Vulnerable Adult Maltreatment~~[Caregiver Misconduct]~~ Registry Self-Query", ~~12/23~~~~[11/14]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621; Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at <https://chfs.ky.gov/agencies/dCBS/Pages/default.aspx>.

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