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PERSONNEL CABINET

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Mary Elizabeth Bailey
SECRETARY

November 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
Room 83, State Capitol Annex
Frankfort, KY 40601

Re: 101 KAR 2:086. Internship Interview Preference.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 101 KAR 2:086, the Personnel Cabinet proposes the attached amendment to 101 KAR 2:086.

Sincerely,

Rosemary G. Holbrook
Executive Director
Office of Legal Services

Final, 10-28-2024

SUGGESTED SUBSTITUTE

PERSONNEL CABINET

101 KAR 2:086. Internship interview preference.

RELATES TO: KRS 18A.030, 18A.032, 18A.110

STATUTORY AUTHORITY: KRS 18A.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.030 ~~(2) requires [directs]~~ the secretary of the Personnel Cabinet to establish general procedures for personnel recruitment, for certification, and for improving the efficiency of employed personnel. KRS 18A.110 requires the secretary to promulgate administrative regulations for the classified service hiring and selection process, to include (1)(a) applications and examinations, (1)(b) certification and selection of eligibles, (1)(f) registers, and (7)(j) other administrative regulations not inconsistent with KRS Chapter 18A and KRS Chapter 13A, as may be proper and necessary for its enforcement. This administrative regulation establishes an internship interview preference for the KRS Chapter 18A classified service hiring process.

Section 1. Eligibility. An applicant shall be granted an internship interview preference for the position applied for if he or she:

- (1) Meets the minimum qualifications of the KRS Chapter 18A classified position applied for; and
- (2) Provides documentation verifying his or her successful completion of an internship coordinated by the Personnel Cabinet.

Section 2. Procedures.

- (1) Applicants entitled to internship interview preference as set forth in Section 1 of this administrative regulation shall be clearly identified by the Personnel Cabinet.
- (2) If the number of applicants granted an interview preference for an advertised classified position is less than five (5), the employing agency shall offer an interview to all applicants identified in subsection (1) of this section.
- (3) If the number of applicants granted an interview preference for an advertised classified position equals or exceeds five (5), the employing agency shall offer an interview to at least [no fewer than] five (5) applicants identified in subsection (1) of this section.

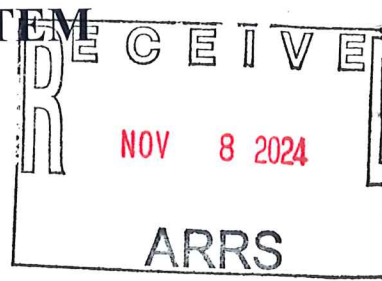
Section 3. Restrictions.

- (1) An internship interview preference shall expire:
 - (a) Upon initial appointment to any position in the classified service; or
 - (b) After five (5) years from the date of internship completion.
- (2) The secretary may revoke an applicant's internship interview preference for one (1) or more positions due to factors listed in KRS 18A.032.
- (3) The secretary may designate specific positions, job classifications, or agencies as exempt from internship interview preference requirements.
- (4) The provisions of this administrative regulation shall be effective for KRS Chapter 18A classified positions advertised beginning July 1, 2025.

CONTACT PERSON: Rosemary Holbrook, Executive Director, Office of Legal Services, 501 High Street, 3rd floor, Frankfort, Kentucky 40601, phone (502) 564-7430, fax (502) 564-0224, email RosemaryG.Holbrook@ky.gov.



TEACHERS' RETIREMENT SYSTEM
of the State of Kentucky



GARY L. HARBIN, CPA
Executive Secretary

ROBERT B. BARNES, JD
Deputy Executive Secretary
Operations and General Counsel

ERIC WAMPLER, JD
Deputy Executive Secretary
Finance and Administration

November 8, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort, Kentucky 40601

Dear Co-Chairs:

After consideration of the issues raised by 102 KAR 1:320, and pursuant to the directives of KRS 13A.320, Teachers' Retirement System of the State of Kentucky (TRS) proposes the attached amendment to this ordinary administrative regulation.

If you have any questions, please advise.

Sincerely,

Robert, B. Barnes
Deputy Executive Secretary of Operations
& General Counsel

Subcommittee Substitute

**FINANCE AND ADMINISTRATION CABINET
Teachers' Retirement System
(As Amended at ARRS)**

102 KAR 1:320. Qualified domestic relations orders for TRS 1 members, TRS 2 members, and TRS 3 members.

RELATES TO: KRS 161.220, 161.700, 161.716, 403.190, 26 U.S.C. 414(p)

STATUTORY AUTHORITY: KRS 161.310(1), 161.700(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.310(1) requires the Board of Trustees of the Teachers' Retirement System (TRS) to promulgate administrative regulations for the administration of the funds of the retirement system. KRS 161.700(4) requires the Board of Trustees of TRS to promulgate administrative regulations setting forth the requirements, procedures, and forms for the approval and processing of qualified domestic relations orders impacting the benefits of participants of the retirement system. This administrative regulation establishes these requirements **for TRS 1 members, TRS 2 members, and TRS 3 members.**

Section 1. Definitions. (1) "Alternate payee" is defined by KRS 161.220(26).

(2) "Benefits" means a monthly service or disability retirement allowance or refund payable at the request of a participant covered by TRS who terminates employment in a TRS covered position prior to becoming eligible to receive a retirement allowance.

(3) "Member" is defined by KRS 161.220(4).

(4) "Participant" is defined by KRS 161.220(24).

(5) "Qualified domestic relations orders" or "QDRO" is defined by KRS 161.220(25).

(6) "TRS 1 members" means those individuals whose earliest effective date of membership in the retirement system begins prior to July 1, 2002.

(7) "TRS 2 members" means those individuals whose earliest effective date of membership in the retirement system begins on or between July 1, 2002 and June 30, 2008.

(8) "TRS 3 members" means those individuals whose earliest effective date of membership in the retirement system begins on or between July 1, 2008 and December 31, 2021.

Section 2. **Applicability, QDRO Information, and TRS Approval. The provisions of this administrative regulation shall apply to a QDRO for TRS 1 members, TRS 2 members, and TRS 3 members.** (1) A QDRO shall state **[the following]**:

(a) The member's name, TRS member identification number, and last-known mailing address;

(b) The alternate payee's name and last known mailing address;

(c) Whether the order applies to:

1. An active account from which the member is not currently receiving a retirement allowance; or
2. A retired account from which the member is currently receiving a retirement allowance and the date on which the member retired the account;

(d) The date of marriage;

(e) The date of decree of dissolution of marriage;

- (f) That the order is for the purpose of property division;
 - (g) Whether the alternate payee shall receive:
 1. Recurring monthly payments under Option A, Option B, or Option C; and
 2. For an active, contributing participant, a share of a termination refund of the contributions posted to the participant's account as either:
 - a. A fixed dollar amount; or
 - b. A percentage calculated under Section 7(2) of this administrative regulation or as determined by either the Court or the parties;
 - (h) When payments shall begin;
 - (i) When payments shall cease;
 - (j) That the alternate payee shall be paid in the same form as the participant;
 - (k) If the alternate payee spouse shall share in the participant's cost of living adjustments if the QDRO awards a fixed dollar amount to the alternate payee;
 - (l) Who shall be responsible for payment of the TRS processing fee; and
 - (m) All information required on the Qualified Domestic Relations Order to Divide Teachers' Retirement System Benefits ***for TRS 1 members, TRS 2 members, and TRS 3 members.***
- (2) A QDRO shall be:
- (a) Approved by TRS as to enforceability and compliance with the requirements of KRS 161.700 and this administrative regulation;
 - (b) Approved and submitted by the participant and alternate payee or their legal counsel;
 - (c) Signed by the judge of a court of competent jurisdiction;
 - (d) Filed with the clerk of the court; and
 - (e) Certified by the clerk of the court.

Section 3. Administrative Provisions. (1) Upon entry of a final divorce decree, the participant shall forward a copy of the decree to TRS and:

- (a) If the participant is a retired member, request:
 1. A Change of Option Following Termination of Marriage form, if the participant wants to change his or her retirement option, which shall be filed with TRS within sixty (60) days of the final divorce decree;
 2. A Change of Retirement Beneficiary form, if the participant had chosen retirement Option I or Option II and does not want to change his or her retirement option, but wants to name a new beneficiary;
 3. A Designation of Beneficiary for TRS Life Insurance Benefit form, if the participant wants to designate a beneficiary other than his or her estate; or
 4. A W-4P Withholding Certificate for ***Periodic*** Pension or Annuity Payments or "W-4P", if the participant wants to change the amount of federal tax withheld from his or her retirement benefit;

or
 - (b) If the participant is an active member, he or she shall request:
 1. A Designation of Beneficiary for TRS Retirement Account Balance form, if the participant wants to designate a beneficiary other than his or her estate; or
 2. A Designation of Beneficiary for TRS Life Insurance Benefit form, if the participant wants to designate a beneficiary other than his or her estate.
- (2) Thirty (30) days prior to filing the QDRO with TRS, the participant or alternate payee shall

present a written request for benefits information for divorce purposes. The participant, alternate payee, or third party, including the party's legal counsel, shall provide a completed TRS Authorization for Release of Information form with the request.

(3) For a QDRO directed to an active account from which a participant is not currently receiving a retirement allowance, TRS may, for the current fiscal year, provide the unaudited salary information electronically submitted to TRS by the participant's employer upon receipt of the written request and release.

(4) If the QDRO is directed to an account from which the participant is not currently receiving a retirement allowance, TRS shall not project future earnings or future service or provide an actuarial opinion of present value of the participant's benefits nor calculate the value of the Social Security benefit the member would have received if he or she had contributed for purposes of offset under KRS 403.190. TRS shall provide:

(a) The participant's total accrued service credit, including service credit purchased during the marriage, and the member account balance, including the total amount of accrued contributions and interest, as posted at the end of each fiscal year during the marriage and for which an employer annual report has been received by TRS and for which the member has not received a refund; and

(b) An estimate of the monthly retirement allowance the participant would receive if the participant retired without a statutory reduction of the basic retirement allowance based upon the participant's final compensation and total accrued service credit as of the date of dissolution of marriage or receipt of the request for information.

(5) If the participant has retired, TRS shall provide the amount of the participant's monthly retirement allowance, the participant's accumulated account balance at retirement, the total retirement allowance received to date, and the participant's total accrued service credit, including any service credit purchased during the marriage. The parties, their legal counsel, or the court may use the information to decide what portion of the participant's account is marital. TRS shall not decide whether, or if, any portion of the participant's account is marital and potentially subject to division.

(6) The participant, alternate payee, or legal counsel shall submit a Qualified Domestic Relations Order to Divide Teachers' Retirement System Benefits form ***for TRS 1 members, TRS 2 members, and TRS 3 members*** to TRS for review forty-five (45) days prior to filing the QDRO with the court. The draft QDRO shall be approved by the participant and alternate payee or their legal counsel. If more than one (1) of the participant's accounts is subject to classification and division as marital property, a separate QDRO shall be issued for each TRS account. The draft QDRO may be sent **by [via]** U.S. Mail or scanned and electronically mailed to TRS for review.

(7) TRS shall not review the draft QDRO until~~[unless it is accompanied by]~~ the following have been received:

(a) ~~[The TRS Administrative Regulatory Compliance form, or the draft QDRO, which has been approved by the:~~

1. Participant or legal counsel; and

2. Alternate payee or legal counsel;

~~(b)]~~ A \$300 nonrefundable processing fee, by money order, certified check or on the attorney's trust account, made payable to the Kentucky State Treasurer, except that a processing fee shall not be charged for a QDRO issued solely for child support;

~~(b)~~~~(e)~~ The TRS Confidential Information form, which shall include the participant's and alternate payee's address, Social Security number, and date of birth;

~~(c)~~~~(d)~~ Copies of the participant's and alternate payee's signed Social Security cards;

~~(d)~~~~(e)~~ If the participant is retired and receiving a retirement allowance, a TRS Authorization for Direct Deposit form completed by the alternate payee and his or her financial institution; and

~~(e)~~~~(f)~~ Any other documents that are required to confirm additional service credit purchased, or sought to be purchased, for retirement calculation purposes under KRS 161.220 through 161.716, including TRS Military Service Certification and Affidavit form, with a copy of the discharge papers.

(8) Within twenty (20) days of receipt of the QDRO, TRS shall notify the participant and alternate payee in writing whether the QDRO meets TRS requirements. If the QDRO meets TRS requirements, TRS shall approve the QDRO and return a fully executed hard copy by [via] U.S. Mail~~circulate an original, signed QDRO for signature by the participant and alternate payee~~ for submission to the court. If the participant or alternate payee is represented by legal counsel, the approved QDRO shall instead be provided to the~~their~~ legal counsel who submitted the draft by hard copy by [via] U.S. Mail or electronic mail with notice to the other party or their legal counsel for~~for signature by counsel and~~ submission to the court. If the participant is a retired member, TRS shall forward tax withholding forms~~a W-4P Withholding Certificate for Pension or Annuity Payments form~~ to the alternate payee.

(9) If the QDRO does not meet TRS requirements, TRS shall notify the participant and alternate payee in writing, identifying those provisions which are not in compliance and the amendments needed to bring the QDRO into compliance. If the participant or alternate payee is represented by legal counsel, this notice shall instead be provided to their legal counsel. The amended QDRO shall be submitted to TRS for review and approval prior to filing with the court.

(10) TRS shall reject any QDRO entered by a court that has not been reviewed or approved by TRS prior to its submission to the court. TRS shall notify the participant, the alternate payee, or their legal counsel, and the court in writing, identifying those provisions that are not in compliance and the amendments needed to bring the QDRO into compliance before it shall be accepted by TRS.

(11) If the QDRO is subsequently amended before filing with the court, the amended QDRO shall be resubmitted to TRS with a \$150 nonrefundable processing fee for review and approval.

(12) Following approval by the court, the participant, alternate payee, or legal counsel shall file a certified copy of the QDRO with TRS.

(a) The QDRO shall not become effective until the certified copy is received by TRS.

(b) Upon receipt of the certified copy, TRS shall designate the participant's account for implementation of the QDRO.

(c) While a separate account balance shall not be maintained for the alternate payee, a separate payroll account shall be established.

(d) If the participant is a retired member, payments to the alternate payee shall commence in the calendar month following the date that a certified copy of the QDRO is received by TRS, if the alternate payee has supplied correctly executed tax withholding forms~~a correctly executed W-4P form~~. If the alternate payee either fails to return the tax withholding forms~~W-4P~~ or does not correctly execute the forms~~form~~, TRS shall apply the IRS default option in effect on the date the forms are received~~of married with three (3) exemptions, which results in no withholding of federal tax~~. If the Alternate Payee chooses a different option and then provides [a] correctly executed tax withholding forms~~W-4P~~, future payments shall be adjusted. Retroactive payments shall not be

paid for periods between entry of the parties' decree of dissolution and entry and acceptance of the QDRO by TRS.

(e) If the participant is an active member, payments to the alternate payee shall commence in the calendar month in which the participant begins to receive a monthly annuity. ~~if the alternate payee has provided his or her current address, a correctly executed W-4P and banking information as required by subsection (15) of this section.]~~ Upon receipt of an active member's retirement application, a TRS Authorization for Direct Deposit form and tax withholding forms shall be mailed to the alternate payee's last known address. Pursuant to KRS 161.640(3)(a), TRS cannot begin electronic fund transfers to the alternate payee until receipt of a fully executed TRS Authorization for Direct Deposit form. If the alternate payee either fails to return the tax withholding forms[W-4P] or does not correctly execute the forms[form], TRS shall proceed in the same manner as described in paragraph (d) of this subsection.

(f) If the participant is an active member who withdraws from service prior to eligibility for retirement and requests a refund of his or her accumulated account balance, the provisions of 102 KAR 1:060, setting forth the requirements for processing payment of the refund to the participant and the alternate payee, shall be followed. If the parties fail to designate the alternate payee's share of a refund in the QDRO, TRS shall refund the entire participant's account to the participant in accordance with the provisions of this administrative regulation and 102 KAR 1:060, and TRS and its staff shall have no liability for making the refund in this manner.

(13) If TRS is enforcing a QDRO that is subsequently amended or terminated by the court, then either the participant, alternate payee, or legal counsel shall submit a certified copy of the amended QDRO or order of termination to TRS for processing.

(14) The participant, alternate payee, or legal counsel shall not submit a QDRO that is not final and under consideration by an appellate court.

(15) The alternate payee shall be responsible for notifying TRS of any change in name, mailing address, or banking information.

(a) TRS shall provide a Name or Change of Address form or Authorization for Direct Deposit form upon request.

(b) TRS shall contact the alternate payee at the last known mailing address on file to notify the alternate payee when an annuity benefit subject to the QDRO becomes payable.

(c) Other than sending a notice as established in paragraph (b) of this subsection, TRS shall have no duty or responsibility to search for, or locate, the alternate payee.

(d) If the notification sent to the alternate payee's last known address is returned due to the alternate payee's failure to notify TRS of an address change or if the bank notifies TRS that the alternate payee's account has been closed, within sixty (60) days of the return of the notification to the alternate payee or receipt of notification from the bank, the amounts otherwise payable to the alternate payee shall be paid to the participant until a new address or bank account information is provided by the alternate payee.

(e) TRS shall have no liability to the alternate payee with respect to amounts paid to the participant.

(16) The participant shall be responsible for notifying TRS in writing of an event that causes benefit payments to the alternate payee spouse, child, or other dependent to cease.

(a) The participant shall provide TRS with a certified copy of the alternate payee's death certificate or marriage certificate. TRS shall suspend payments due the alternate payee provided that

submission of proof of the death or marriage of the alternate payee, if marriage terminates payments under the terms of the QDRO, is received by the beginning of the month following receipt of the participant's written notification.

(b) The alternate payee shall also be responsible for notifying TRS in writing of the alternate payee's remarriage if, under the terms of the QDRO, that is an event that terminates the alternate payee's right to receive any payments.

(c) TRS shall not be responsible for payments made to the alternate payee until it is given timely written notice and documentation of any event terminating those payments.

Section 4. **TRS Benefits Subject to a QDRO.** A QDRO may apply to a participant's:

- (1) Retirement allowance;
- (2) Disability retirement allowance; or
- (3) Termination refund.

Section 5. **TRS Benefits Not Subject to a QDRO.** A QDRO shall not apply to a participant's:

- (1) Survivor annuity that becomes payable after the member's death;
- (2) Survivor benefits that become payable after an active contributing member's death;
- (3) Accounts that are not vested at the time of the dissolution of marriage;
- (4) Life insurance benefit;
- (5) Refund as a result of an error;
- (6) Refund of an active or retired account in response to a member's death;
- (7) Health insurance; and
- (8) Any other payment or benefit not described in Section 4 of this administrative regulation.

Section 6. **Effect of Alternate Payee's Death on QDRO. Under the terms of the QDRO,** if an alternate payee has ~~[, under the terms of the QDRO,]~~ been awarded a share of the participant's annuity benefits and dies before the participant dies, retires, or withdraws his account, the entire remaining account value shall be restored to the participant.

Section 7. Calculation and Payment. (1)(a) If the participant has retired, the portion of the participant's benefits payable to the alternate payee as a percentage of the participant's total service retirement allowance, disability retirement allowance, or refundable account balance, accrued through the date of dissolution of marriage, that is in excess of the retirement benefits of the alternate payee as provided under KRS 403.190(4), shall be calculated by the following fraction:

1. The numerator of which shall be the participant's total full and fractional years of creditable TRS service earned during the marriage, including service credit purchased during the marriage; and
2. The denominator of which shall be the participant's total full and fractional years of TRS service credit through the date of retirement.

(b) The resulting fraction shall be converted to a percentage that shall be divided by two (2).

(c) Option C may be utilized if the duration of the retired participant and the alternate payee's marriage was less than the participant's total full and fractional years of TRS service at the date of retirement. The parties or their legal counsel shall report the marital years in Option C of the QDRO.

(2)(a) For an active account, the portion of the participant's benefits payable to the alternate payee

as a percentage of the participant's total service retirement allowance, disability retirement allowance, or refundable account balance, accrued through the date of dissolution of marriage, that is in excess of the retirement benefits of the alternate payee as provided under KRS 403.190(4), shall be calculated by the following fraction:

1. The numerator of which shall be the participant's total full and fractional years of creditable TRS service earned during the marriage, including service credit purchased during the marriage, as reported by the parties or their legal counsel in Option C of the QDRO; and

2. The denominator of which shall be the participant's total full and fractional years of TRS service credit as determined by TRS at the time that the participant retires either by service retirement or disability retirement or requests a refund of his or her account balance.

(b) The resulting fraction shall be converted to a percentage that shall be divided by two (2).

(3) If the participant is or will be receiving a disability retirement allowance, the participant's total annuity benefit for purposes of this administrative regulation shall be calculated under the service retirement formula established under KRS 161.661(5), even if the entitlement period described under KRS 161.661(3) and (4) has not expired.

(4) If an alternate payee has, under the terms of the QDRO, been awarded a share of the participant's disability retirement allowance that is subsequently discontinued, the alternate payee shall not receive a benefit. Further, if a participant remains disabled at the end of his or her entitlement period, pursuant to KRS 161.661(5), the disability benefits shall be recalculated and may result in a lower monthly payment to both the participant and the alternate payee.

(5) If the QDRO is directed to an account from which the participant is not receiving a retirement allowance, the participant's total annuity benefit shall be calculated without inclusion of the discounts required under KRS 161.600[620](1)(b)1. and 2. and (d).

(a) If at retirement the participant is subject to discounts required under KRS 161.620(1)(b) and (d), and if the QDRO establishes a set dollar amount to be withheld from the retirement benefits that are payable to the participant and to be paid to the alternate payee, TRS shall reduce the amount to be paid to the alternate payee under the QDRO by the amount of the discounts.

(b) TRS shall increase the amount paid to the alternate payee in an amount equal to any discounts that are subsequently eliminated as the result of the participant's return to work after retirement under the provisions of KRS 161.605(11), upon the participant's resumption of receipt of retirement benefits.

(6) If the QDRO is directed to an account from which the participant is not receiving a retirement allowance, and the participant at issuance of the QDRO is not eligible for calculation of his total annuity benefit based on his three (3) highest salaries as provided under KRS 161.220(9), then his total annuity benefit shall be calculated on his five (5) highest salaries.

(7) The participant may select any retirement option.

Section 8. ***TRS Costs and Legal Fees.*** Any person who attempts to make TRS a party to a domestic relations action in order to determine an alternate payee's right to receive a portion of the annuity benefits payable to the participant shall be liable to TRS for its costs and legal fees.

Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Teachers' Retirement System Authorization for Release of Information", July 2016;

(b) "Qualified Domestic Relations Order to Divide Teachers' Retirement System Benefits ***for TRS***"

1 members, TRS 2 members, and TRS 3 members", November 2024[July 2024][January 2019];

- (c) [~~"Teachers' Retirement System Administrative Regulatory Compliance"~~, July 2016;
- ~~(d)~~ "Teachers' Retirement System Confidential Information", July 2016;
- ~~(d)~~~~(e)~~ "Teachers' Retirement System Authorization for Direct Deposit", July 2016;
- ~~(e)~~~~(f)~~ "Teachers' Retirement System Military Service Certification and Affidavit", July 2016;
- ~~(f)~~~~(g)~~ "Teachers' Retirement System Name or Change of Address", July 2016;
- ~~(g)~~~~(h)~~ "Change of Option Following Termination of Marriage", July 2016;
- ~~(h)~~~~(i)~~ "Change of Retirement Beneficiary", July 2016;
- ~~(i)~~~~(j)~~ "Designation of Beneficiary for TRS Life Insurance Benefit", July 2016;
- ~~(j)~~~~(k)~~ "Designation of Beneficiary for TRS Retirement Account Balance", July 2016; [~~and~~
- ~~(k)~~~~(l)~~ "Withholding Certificate for ***Periodic*** Pension or Annuity Payments" or "W-4P" 2024; and[2016.]
- ~~(l)~~~~(m)~~ "Kentucky Resident State Tax Withholding Election", January 2023.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Teachers' Retirement System, 479 Versailles Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m.

(3) W-4P may also be obtained at www.irs.gov/pub/irs-pdf/fw4p.pdf.

CONTACT PERSON: Robert B. Barnes, Deputy Executive Secretary of Operations and General Counsel, Teachers' Retirement System, 479 Versailles Road, Frankfort, Kentucky 40601, phone (502) 848-8508, fax (502) 573-0199, email Beau.Barnes@trs.ky.gov.

DIRTY

COMMONWEALTH OF KENTUCKY
FAMILY/CIRCUIT COURT
DIVISION _____
CASE NO. _____

PETITIONER

v.

RESPONDENT

QUALIFIED DOMESTIC RELATIONS ORDER
TO DIVIDE
TEACHERS' RETIREMENT SYSTEM BENEFITS
FOR TRS 1 MEMBERS, TRS 2 MEMBERS, AND TRS 3 MEMBERS

On this ____ day of _____, 20____, this matter coming on upon application of the parties for a Qualified Domestic Relations Order under the Internal Revenue Code and KRS 161.700:

And this Court having personal jurisdiction over both the parties to the above-styled action and the subject matter of this Order, having examined and considered the pleadings filed herein, and being well and duly advised, makes the following findings of fact and issues the following orders:

FINDINGS OF FACT

1. "Participant" _____
Participant TRS Member Identification _____
Mailing Address: _____
City _____ State _____ Zip _____
2. "Alternate Payee" _____
Mailing Address: _____
City _____ State _____ Zip _____
3. The Alternate Payee is the Participant's:
_____ Current or Former Spouse _____ Child or Other Dependent
4. "Retirement System" is the Teachers' Retirement System ("TRS")
479 Versailles Road
Frankfort, Kentucky 40601
5. The parties were married on _____.
6. The parties' decree of dissolution of marriage was entered on _____.

7. An action seeking an equitable dissolution of the parties' marital property was filed and a judgment dividing said property was entered by this Court, including the parties' agreement regarding the division of retirement benefits in a defined benefit plan containing marital property. "Retirement benefits" as referred to in this Order refers to the monthly retirement allowance which the Participant may in the future receive or is currently receiving, or a refund of the contributions posted to the Participant's retirement account and refunded, upon Participant's request, to the Participant should the Participant terminate employment in a TRS-covered position before becoming eligible to apply for a retirement allowance.

8. This Order applies to:

_____ an active account from which the Participant is **not** currently receiving a retirement allowance; **or**

_____ a retired account from which the Participant **is** currently receiving a retirement allowance. The date of retirement was _____, ____.

WHEREFORE, based upon the foregoing Findings of Fact, the Court concludes as a matter of law that the non-member _____ spouse _____ child(ren) or other dependent(s) is entitled to the entry of this Order directing the distribution, in the manner set forth, to him/her or his/her marital share of a portion of the retirement benefits payable by TRS to the Participant.

THEREFORE, IT IS HEREBY ORDERED:

1. TRS shall withhold from the monthly retirement benefits that are payable to the Participant and pay to the Alternate Payee, in accordance with 102 KAR 1:320, **either Option A, B or C**, as indicated by the parties or their legal counsel, as follows:

Option A – Indefinitely Recurring Payments

(FILL IN ONE LINE ONLY)

\$ _____ per month until the death of either the Participant or Alternate Payee and only when Participant receives a benefit (subject to discount pursuant to 102 KAR 1:320 Sec. 7(3));

OR

_____ % per month until the death of either the Participant or Alternate Payee and only when Participant receives a benefit.

Option B – Payment of a Fixed Sum over a Definite Period of Time

\$ _____ per month for a period of _____ months only when Participant receives a benefit (subject to discount pursuant to 102 KAR 1:320 Sec. 7(3)).

Option C – Payment Determined at Retirement

A percentage per month to be determined by TRS utilizing a fraction, the numerator of which shall be the [_____] number, to be provided by the parties or their legal counsel, of years of marriage during which the participant was an active, contributing member of TRS (including service credit purchased during the marriage) _____ divided by the number of years of accrued service credit at the participant’s retirement. The percentage shall be calculated pursuant to the formula set forth in 102 KAR 1:320 Section 7.

Refund of Active Participant’s Contributions

If the Participant receives, at Participant’s request, a **refund** of the contributions posted to the Participant’s retirement account as a result of the termination of Participant’s employment in a TRS-covered position before becoming eligible to apply for a retirement allowance, TRS shall withhold from the refund and pay to the Alternate Payee either a sum certain or percentage as determined by the Court or agreed by the parties or based upon the marital service provided under Option C. *(Complete ONLY ONE)*

Dollar amount	Percentage	Percentage Option C
\$	%	%

CHILD SUPPORT

The Retirement System shall pay the Alternate Payee child(ren)/dependent(s) as follows:

Name of each child/dependent	Monthly payment

Payments to Alternate Payee child(ren)/dependent(s) shall terminate:

- upon attaining age eighteen (18); or
- upon date certain of the first day of _____, 20 ____.

Payments withheld for support of child(ren)/dependent(s) shall be made payable to “Kentucky Child Support Enforcement” and mailed to:

Centralized Collection Unit
P.O. Box 14059

Lexington, Kentucky 40502-4059

Furthermore, [~~in order~~] to ensure that the Participant is properly credited for his/her child support obligation, the Retirement System shall include the following information on the payment, Participant's:

- (1) Name; **and** (2) Social Security Number.
- 2 **If the Participant's retirement allowance has already commenced,** payments to the Alternate Payee shall commence in the calendar month following the date the Retirement System receives a certified copy of this Order from the court clerk.
- 3 **If the Participant's retirement allowance has not yet commenced,** payment to the Alternate Payee shall commence the month in which the Participant receives the first benefit payment or the month in which the Participant receives a refund.
- 4 The Alternate Payee shall receive his/her share of the Participant's retirement allowance in such payment form as said retirement allowance is paid to the Participant.
- 5 **If this Order awards a fixed dollar amount,** instead of a percentage, to be paid to the Alternate Payee spouse, the payments to the Alternate Payee spouse shall:
(Select only one)
 not be recalculated or increased annually to include a share of the cost of living adjustment provided to the Participant; or
 be recalculated or increased annually at the beginning of the fiscal year to include a share of the cost of living adjustment provided to the Participant pursuant to KRS 161.700(10)(b).
- 6 Payments to the Alternate Payee shall terminate upon the first of the following to occur: the death of the Participant; the death of the Alternate Payee; or, the termination or suspension of the Participant's retirement allowance, or for any other reason otherwise provided for in this Order.
7. Payments to the Alternate Payee shall or shall **not** terminate upon the remarriage of the Alternate Payee.
8. The processing fee due the Retirement System shall be paid: (check one)
 by the Participant;
 by the Alternate Payee;
 equally by the Participant and Alternate Payee; or
 N/A – child support only.
9. If the Alternate Payee dies before the Participant, the entire, remaining account value shall be restored to the Participant.

10. Nothing in this Order shall be construed to require the Retirement System to provide the Alternate Payee any type or form of benefit or any option not otherwise payable to the Participant or to provide increased benefits to the Alternate Payee or to pay benefits to the Alternate Payee which are required to be paid to another alternate payee under another Order previously determined to be a Qualified Domestic Relations Order.
11. Nothing in this Order shall be construed to require the Retirement System to offer or provide the Alternate Payee a life insurance benefit or health insurance coverage via the plan administered for the benefit of the Participant.
12. The Alternate Payee shall keep the Retirement System apprised of any changes in Alternate Payee's mailing address or instructions as to direct deposit of funds due pursuant to this Order. The Alternate Payee is directed to timely submit to the Retirement System all documents that are required to comply with this Order. The Retirement System shall not be liable for failure to make payments to the Alternate Payee if the Retirement System does not have the documents required under this Order or 102 KAR 1:320.
13. The Participant shall keep the Retirement System apprised in writing of any event which would cause the payments to the Alternate Payee to cease. The Retirement System shall not be liable for payments to the Alternate Payee if the Participant has not informed the Retirement System in writing of the need to cease such payments.
14. Should the Alternate Payee become aware of the Participant's death, Alternate Payee is ordered to immediately inform TRS in writing. The Alternate Payee is ordered to immediately return any payments made pursuant to this Order that are received by the Alternate Payee after the death of the Participant. The Alternate Payee is ordered to immediately inform the retirement system in writing of his or her remarriage if under this Order remarriage terminates payments to the Alternate Payee. The Alternate Payee is ordered to immediately return to TRS any payments made pursuant to this Order that may be received by Alternate Payee after the remarriage if under this Order remarriage terminates payments to the Alternate Payee.
15. The Alternate Payee shall report any payments received on any appropriate income tax return in accordance with the regulations or provisions of the Internal Revenue Code in effect at the time payments are issued by TRS. TRS is authorized to issue a Form W-2P or Form 1099R on any direct payments made to the Alternate Payee.
16. This Order shall be administered and interpreted in conformity with Section 414(p) and 401(a)(13) of the Internal Revenue Code of 1986, as amended and all other state or federal law applicable to qualified domestic relations orders.
17. In accordance with the federal Consumer Credit Protection Act (CCPA), the amount withheld shall not exceed: (1) fifty (50%) percent of a noncustodial parent's disposable [~~disposal~~] benefits if he/she is supporting a spouse, dependent child or both, other than a party in this support Order; or (2) sixty (60%) percent of the noncustodial parent's disposable benefits if he/she is not supporting another individual.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF KENTUCKY

QDRO to Divide TRS Benefits for TRS 1 members, TRS 2 members, and TRS 3 members /NovemberJuly 2024

18. This Court shall retain jurisdiction to modify or enforce this Order.
19. The Clerk of the Court shall serve upon the Administrator of the Retirement System a certified copy of this Order. So long as the parties have adhered to the requirements regarding preapproval of the Order set forth in 102 KAR 1:320, this [This] Order shall take effect immediately upon receipt by the Retirement System and shall remain in effect until any date certain set forth herein or upon further order from this Court.
20. This Order shall expire upon payment in full of the agreed sum set forth in Section 1, the satisfaction of the conditions set forth in Section 6 [7] or Section 7 [8], or emancipation of the child(ren)/dependent(s).
21. The Participant's eligibility to receive retirement benefits from the Retirement System and the amount of any such benefits shall be governed solely by the law of the Commonwealth of Kentucky.
22. This Order supersedes any previous order to divide the Participant's benefits issued in connection with the termination of this marriage, including the judgment, decree or order terminating the marriage.

SO ORDERED this _____ day of _____, 20__.

Judge _____

_____ Family/Circuit Court, Div. _____

This Order was reviewed and approved as to compliance with KRS 161.700 & 102 KAR 1:320 on the ____ day of _____ 20 __.

Teachers' Retirement System of the State of Kentucky

APPROVE/ SUBMIT

Petitioner/Attorney for Petitioner

Date

Respondent/Attorney for Respondent

Date

CERTIFICATION OF SERVICE

I, Clerk of the above Court, do hereby certify that an attested copy of the foregoing Qualified Domestic Relations Order to Divide Teachers' Retirement System Benefits **for TRS 1 members, TRS 2 members, and TRS 3 members** has been served by mailing same to the following on this the ____ day of _____, 20____
to:

1. Teachers' Retirement System
479 Versailles Road
Frankfort, Kentucky 40601

2. _____

3. _____

4. _____

Clerk _____ Family/Circuit Court

By: _____ D.C.

COMMONWEALTH OF KENTUCKY
FAMILY/CIRCUIT COURT

DIVISION _____
CASE NO. _____

PETITIONER

v.

RESPONDENT

QUALIFIED DOMESTIC RELATIONS ORDER
TO DIVIDE
TEACHERS' RETIREMENT SYSTEM BENEFITS
FOR TRS 1 MEMBERS, TRS 2 MEMBERS, AND TRS 3 MEMBERS

On this ____ day of _____, 20____, this matter coming on upon application of the parties for a Qualified Domestic Relations Order under the Internal Revenue Code and KRS 161.700:

And this Court having personal jurisdiction over both the parties to the above-styled action and the subject matter of this Order, having examined and considered the pleadings filed herein, and being well and duly advised, makes the following findings of fact and issues the following orders:

FINDINGS OF FACT

1. "Participant" _____
Participant TRS Member Identification _____
Mailing Address: _____
City _____ State _____ Zip _____
2. "Alternate Payee" _____
Mailing Address: _____
City _____ State _____ Zip _____
3. The Alternate Payee is the Participant's:
_____ Current or Former Spouse _____ Child or Other Dependent
4. "Retirement System" is the Teachers' Retirement System ("TRS")
479 Versailles Road
Frankfort, Kentucky 40601
5. The parties were married on _____.
6. The parties' decree of dissolution of marriage was entered on _____.

7. An action seeking an equitable dissolution of the parties' marital property was filed and a judgment dividing said property was entered by this Court, including the parties' agreement regarding the division of retirement benefits in a defined benefit plan containing marital property. "Retirement benefits" as referred to in this Order refers to the monthly retirement allowance which the Participant may in the future receive or is currently receiving, or a refund of the contributions posted to the Participant's retirement account and refunded, upon Participant's request, to the Participant should the Participant terminate employment in a TRS-covered position before becoming eligible to apply for a retirement allowance.

8. This Order applies to:

_____ an active account from which the Participant is **not** currently receiving a retirement allowance; **or**

_____ a retired account from which the Participant **is** currently receiving a retirement allowance. The date of retirement was _____, ____.

WHEREFORE, based upon the foregoing Findings of Fact, the Court concludes as a matter of law that the non-member _____ spouse _____ child(ren) or other dependent(s) is entitled to the entry of this Order directing the distribution, in the manner set forth, to him/her or his/her marital share of a portion of the retirement benefits payable by TRS to the Participant.

THEREFORE, IT IS HEREBY ORDERED:

1. TRS shall withhold from the monthly retirement benefits that are payable to the Participant and pay to the Alternate Payee, in accordance with 102 KAR 1:320, **either Option A, B or C**, as indicated by the parties or their legal counsel, as follows:

Option A – Indefinitely Recurring Payments

(FILL IN ONE LINE ONLY)

\$ _____ per month until the death of either the Participant or Alternate Payee and only when Participant receives a benefit (subject to discount pursuant to 102 KAR 1:320 Sec. 7(3));

OR

_____ % per month until the death of either the Participant or Alternate Payee and only when Participant receives a benefit.

Option B – Payment of a Fixed Sum over a Definite Period of Time

\$ _____ per month for a period of _____ months only when Participant receives a benefit (subject to discount pursuant to 102 KAR 1:320 Sec. 7(3)).

Option C – Payment Determined at Retirement

A percentage per month to be determined by TRS utilizing a fraction, the numerator of which shall be the number, to be provided by the parties or their legal counsel, of years of marriage during which the participant was an active, contributing member of TRS (including service credit purchased during the marriage) _____ divided by the number of years of accrued service credit at the participant’s retirement. The percentage shall be calculated pursuant to the formula set forth in 102 KAR 1:320 Section 7.

Refund of Active Participant’s Contributions

If the Participant receives, at Participant’s request, a **refund** of the contributions posted to the Participant’s retirement account as a result of the termination of Participant’s employment in a TRS-covered position before becoming eligible to apply for a retirement allowance, TRS shall withhold from the refund and pay to the Alternate Payee either a sum certain or percentage as determined by the Court or agreed by the parties or based upon the marital service provided under Option C. *(Complete ONLY ONE)*

Dollar amount	Percentage	Percentage Option C
\$	%	%

CHILD SUPPORT

The Retirement System shall pay the Alternate Payee child(ren)/dependent(s) as follows:

Name of each child/dependent	Monthly payment

Payments to Alternate Payee child(ren)/dependent(s) shall terminate:

- upon attaining age eighteen (18); or
- upon date certain of the first day of _____, 20 ____.

Payments withheld for support of child(ren)/dependent(s) shall be made payable to “Kentucky Child Support Enforcement” and mailed to:

Centralized Collection Unit
P.O. Box 14059

Lexington, Kentucky 40502-4059

Furthermore, to ensure that the Participant is properly credited for his/her child support obligation, the Retirement System shall include the following information on the payment, Participant's:

- (1) Name; **and** (2) Social Security Number.
- 2 **If the Participant's retirement allowance has already commenced**, payments to the Alternate Payee shall commence in the calendar month following the date the Retirement System receives a certified copy of this Order from the court clerk.
- 3 **If the Participant's retirement allowance has not yet commenced**, payment to the Alternate Payee shall commence the month in which the Participant receives the first benefit payment or the month in which the Participant receives a refund.
- 4 The Alternate Payee shall receive his/her share of the Participant's retirement allowance in such payment form as said retirement allowance is paid to the Participant.
- 5 **If this Order awards a fixed dollar amount**, instead of a percentage, to be paid to the Alternate Payee spouse, the payments to the Alternate Payee spouse shall:
(Select only one)
 not be recalculated or increased annually to include a share of the cost of living adjustment provided to the Participant; or
 be recalculated or increased annually at the beginning of the fiscal year to include a share of the cost of living adjustment provided to the Participant pursuant to KRS 161.700(10)(b).
- 6 Payments to the Alternate Payee shall terminate upon the first of the following to occur: the death of the Participant; the death of the Alternate Payee; or, the termination or suspension of the Participant's retirement allowance, or for any other reason otherwise provided for in this Order.
7. Payments to the Alternate Payee shall or shall **not** terminate upon the remarriage of the Alternate Payee.
8. The processing fee due the Retirement System shall be paid: (check one)
 by the Participant;
 by the Alternate Payee;
 equally by the Participant and Alternate Payee; or
 N/A – child support only.
9. If the Alternate Payee dies before the Participant, the entire, remaining account value shall be restored to the Participant.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF KENTUCKY

QDRO to Divide TRS Benefits for TRS 1 members, TRS 2 members, and TRS 3 members /November 2024

10. Nothing in this Order shall be construed to require the Retirement System to provide the Alternate Payee any type or form of benefit or any option not otherwise payable to the Participant or to provide increased benefits to the Alternate Payee or to pay benefits to the Alternate Payee which are required to be paid to another alternate payee under another Order previously determined to be a Qualified Domestic Relations Order.
11. Nothing in this Order shall be construed to require the Retirement System to offer or provide the Alternate Payee a life insurance benefit or health insurance coverage via the plan administered for the benefit of the Participant.
12. The Alternate Payee shall keep the Retirement System apprised of any changes in Alternate Payee's mailing address or instructions as to direct deposit of funds due pursuant to this Order. The Alternate Payee is directed to timely submit to the Retirement System all documents that are required to comply with this Order. The Retirement System shall not be liable for failure to make payments to the Alternate Payee if the Retirement System does not have the documents required under this Order or 102 KAR 1:320.
13. The Participant shall keep the Retirement System apprised in writing of any event which would cause the payments to the Alternate Payee to cease. The Retirement System shall not be liable for payments to the Alternate Payee if the Participant has not informed the Retirement System in writing of the need to cease such payments.
14. Should the Alternate Payee become aware of the Participant's death, Alternate Payee is ordered to immediately inform TRS in writing. The Alternate Payee is ordered to immediately return any payments made pursuant to this Order that are received by the Alternate Payee after the death of the Participant. The Alternate Payee is ordered to immediately inform the retirement system in writing of his or her remarriage if under this Order remarriage terminates payments to the Alternate Payee. The Alternate Payee is ordered to immediately return to TRS any payments made pursuant to this Order that may be received by Alternate Payee after the remarriage if under this Order remarriage terminates payments to the Alternate Payee.
15. The Alternate Payee shall report any payments received on any appropriate income tax return in accordance with the regulations or provisions of the Internal Revenue Code in effect at the time payments are issued by TRS. TRS is authorized to issue a Form W-2P or Form 1099R on any direct payments made to the Alternate Payee.
16. This Order shall be administered and interpreted in conformity with Section 414(p) and 401(a)(13) of the Internal Revenue Code of 1986, as amended and all other state or federal law applicable to qualified domestic relations orders.
17. In accordance with the federal Consumer Credit Protection Act (CCPA), the amount withheld shall not exceed: (1) fifty (50%) percent of a noncustodial parent's disposable benefits if he/she is supporting a spouse, dependent child or both, other than a party in this support Order; or (2) sixty (60%) percent of the noncustodial parent's disposable benefits if he/she is not supporting another individual.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF KENTUCKY

QDRO to Divide TRS Benefits for TRS 1 members, TRS 2 members, and TRS 3 members /November 2024

18. This Court shall retain jurisdiction to modify or enforce this Order.
19. The Clerk of the Court shall serve upon the Administrator of the Retirement System a certified copy of this Order. So long as the parties have adhered to the requirements regarding preapproval of the Order set forth in 102 KAR 1:320, this Order shall take effect immediately upon receipt by the Retirement System and shall remain in effect until any date certain set forth herein or upon further order from this Court.
20. This Order shall expire upon payment in full of the agreed sum set forth in Section 1, the satisfaction of the conditions set forth in Section 6 or Section 7, or emancipation of the child(ren)/dependent(s).
21. The Participant's eligibility to receive retirement benefits from the Retirement System and the amount of any such benefits shall be governed solely by the law of the Commonwealth of Kentucky.
22. This Order supersedes any previous order to divide the Participant's benefits issued in connection with the termination of this marriage, including the judgment, decree or order terminating the marriage.

SO ORDERED this _____ day of _____, 20__.

 Judge _____

_____ Family/Circuit Court, Div. _____

This Order was reviewed and approved as to compliance with KRS 161.700 & 102 KAR 1:320 on the ____ day of _____ 20__.

 Teachers' Retirement System of the State of Kentucky

APPROVE/ SUBMIT

Petitioner/Attorney for Petitioner

Date

Respondent/Attorney for Respondent

Date

CERTIFICATION OF SERVICE

I, Clerk of the above Court, do hereby certify that an attested copy of the foregoing Qualified Domestic Relations Order to Divide Teachers' Retirement System Benefits for TRS 1 members, TRS 2 members, and TRS 3 members has been served by mailing same to the following on this the ____ day of _____, 20____
to:

1. Teachers' Retirement System
479 Versailles Road
Frankfort, Kentucky 40601

2. _____

3. _____

4. _____

Clerk _____ Family/Circuit Court

By: _____ D.C.



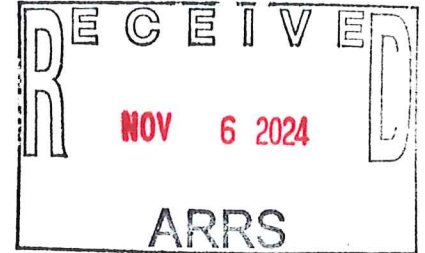
**FINANCE AND ADMINISTRATION CABINET
OFFICE OF THE SECRETARY**

Andy Beshear
GOVERNOR

Holly M. Johnson
SECRETARY

200 Mero Street, 5th Floor
Frankfort, Kentucky 40622
Phone: (502) 564-4240
Fax: (502) 564-6785

November 6, 2024



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
702 Capitol Avenue
Frankfort, KY 40601

Re: 200 KAR 14:011 Qualified investments; 200 KAR 14:081 Repurchase agreement; 200 KAR 14:091 Guidelines for money market instruments; and 200 KAR 15:010 Formula for allocation of private activity bonds

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 200 KAR 14:011; 200 KAR 14:081; 200 KAR 14:091; and 200 KAR 15:010, the Finance and Administration Cabinet proposes the attached amendments to 200 KAR 14:011; 200 KAR 14:081; 200 KAR 14:091; and 200 KAR 15:010.

Sincerely,

Signed by:

Ashley L. Daily

1C83DCD601B1400...

Ashley L. Daily
Staff Attorney II
Office of General Counsel
Finance and Administration Cabinet
200 Mero Street, 5th Floor
Frankfort, Kentucky 40622

Certificate Of Completion

Envelope Id: CE6FF28BC78F42B183BEC5657957E828 Status: Completed
 Subject: Complete with Docusign: 200 KAR 14011 081 091 and 200 KAR 15_010 - Substitute Regulation.pdf
 Source Envelope:
 Document Pages: 1 Signatures: 1 Envelope Originator:
 Certificate Pages: 5 Initials: 0 Robert Long
 AutoNav: Enabled robert.long@ky.gov
 Envelopeld Stamping: Enabled IP Address: 207.180.170.26
 Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Record Tracking

Status: Original 11/6/2024 4:08:42 AM	Holder: Robert Long robert.long@ky.gov	Location: DocuSign
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: Office of General Counsel	Location: DocuSign

Signer Events

Ashley L. Daily
 ashley.daily@ky.gov
 Security Level: Email, Account Authentication (None)

Signature

Signed by:

 1C83DCD601B14D0...
 Signature Adoption: Pre-selected Style
 Using IP Address: 205.204.186.53

Timestamp

Sent: 11/6/2024 4:11:57 AM
 Viewed: 11/6/2024 4:14:44 AM
 Signed: 11/6/2024 4:15:12 AM

Electronic Record and Signature Disclosure:
 Accepted: 11/6/2024 4:14:44 AM
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In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Marlene Mundine
 marlene.mundine@ky.gov
 Security Level: Email, Account Authentication (None)

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Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

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Certified Delivered	Security Checked	11/6/2024 4:14:44 AM
Signing Complete	Security Checked	11/6/2024 4:15:12 AM
Completed	Security Checked	11/6/2024 4:15:12 AM

Payment Events

Status

Timestamps

Electronic Record and Signature Disclosure

Final, 11-1-2024

SUGGESTED SUBSTITUTE

**FINANCE AND ADMINISTRATION CABINET
State Investment Commission**

200 KAR 14:011. Qualified investments.

RELATES TO: KRS 42.500(9)-(14), 42.520, 42.525, 17 C.F.R. 270.2a-7, 15 U.S.C. 80a, 26 U.S.C. 1-9834

STATUTORY AUTHORITY: KRS 42.500(10), 42.520(2), 42.525

NECESSITY, FUNCTION, AND CONFORMITY: KRS 42.500(10) requires the State Investment Commission to promulgate administrative regulations for the investment and reinvestment of state funds. KRS 42.520(2) requires the commission to promulgate administrative regulations concerning the assignment of priorities to public depositories. KRS 42.525(1) requires the commission to promulgate administrative regulations for the investment and reinvestment of state funds and the acquisition, retention, management, and disposition of investments. This administrative regulation establishes the standards that govern the commonwealth's investment and cash management programs.

Section 1. Definitions.

- (1) "Commission" means the State Investment Commission.
- (2) "Hedge" means a position in a financial instrument taken to minimize or eliminate the risk associated with an existing instrument or portfolio of instruments.
- (3) "Interest rate swaps" means an agreement governed by an International Swap and Derivatives Association master contract between two (2) parties to exchange, or have the conditional right to exchange, specified cash flows.
- (4) "NRSRO" means "Nationally Recognized Statistical Ratings Organization", which is a credit rating agency that is registered with the Securities and Exchange Commission, and which provides its opinion on the creditworthiness of an entity and the financial obligations issued by that entity.
- (5) "Office" means the Office of Financial Management.
- (6) "Options" means a contract that provides the right, but not the obligation, to buy or sell a specific amount of a security within a predetermined time period and includes specific bonds or notes, an exchange traded futures contract, or the cash value of an index.
- (7) "Pools" means the investment pools that are managed by the Office of Financial Management, under the guidance of the commission.

Section 2. The commission shall:

- (1) Not invest state funds in an institution or instrument that it deems unsafe and a threat to the security of state funds;
- (2) Maintain adequate liquidity to meet the cash needs of the state; and
- (3) Within the limits established by this administrative regulation, invest in securities that maximize yield or return to the Commonwealth.

Section 3.

- (1) The commission may:
 - (a) Engage in securities lending; ~~and~~
 - (b) Allow ~~internal~~~~[inter-pool]~~ transfers ~~between pools~~ to meet short term cash needs.
- (2) Within the limited term pool, if borrowing exceeds thirty-three (33) percent of the value of the pool's total assets resulting from a change in values of net pool assets at any time, the pool shall then reduce borrowing to no more than thirty-three (33) percent within three (3) business days and shall continue to use prudence in bringing the percentage of borrowing back into conformity.

Section 4. Interest earned on the cash balances shall be calculated daily on an accrual basis.

Section 5. Investment Criteria.

- (1) The criteria to determine the amount of funds per investment instrument shall be the:
 - (a) ~~Safety of principal and interest~~[Liquidity needs of the state in aggregate as budgeted];
 - (b) ~~Liquidity needs of the state in aggregate as budgeted~~[Rates available per instrument]; and
 - (c) ~~Rates available per instrument~~[Safety of principal and interest].
- (2) An investment instrument shall qualify if it is specified by:
 - (a) KRS 42.500;
 - (b) This administrative regulation;
 - (c) 200 KAR 14:081; or
 - (d) 200 KAR 14:091.

Section 6. Investment Securities. The commission shall invest only in the following security types as established in this section.[:]

- (1) ~~Securities issued by the U.S. Treasury, agency, and government-sponsored enterprises~~[government sponsored entity agency securities] with a maturity of less than seven (7) years, or an embedded put of less than three (3) years.
- (2) Mortgage pass-through securities issued by U.S. government agencies or by ~~government-sponsored enterprises~~[government sponsored entities], including the Government National Mortgage Association, Fannie Mae, Freddie Mac, and Small Business Administration with an average life of less than four (4) years at the time of purchase, using Bloomberg consensus prepayment projections, if available, or other reasonable prepayment assumptions if there is no consensus. The commission may hold pass-throughs purchased under this subsection ~~that~~[which] have an average life of less than six (6) years, using Bloomberg consensus prepayment projections, if available, or other reasonable prepayment assumptions if there is no consensus.
- (3) Real estate mortgage investment conduit obligations, as defined by the Internal Revenue Code, 26 U.S.C. 1-9834, also known as collateralized mortgage obligations, or CMOs, rated in the highest category by ~~a commission approved~~[an] NRSRO with an average life of less than four (4) years at the time of purchase, using Bloomberg consensus prepayment projections, if available, or other reasonable prepayment assumptions if there is no consensus. The commission may hold CMOs purchased under this subsection ~~that~~[which] have an average life of less than six (6) years, using Bloomberg consensus prepayment projections, if available, or other reasonable prepayment assumptions if there is no consensus.
- (4) Asset-backed securities (ABS) rated in the highest category by ~~a commission approved~~[an] NRSRO with an average life of four (4) years or less.
- (5) U.S. dollar denominated corporate and Yankee securities issued by foreign and domestic issuers, rated in one (1) of the three (3) highest categories by ~~a commission approved~~[an] NRSRO, with a maturity not longer than five (5) years, or an embedded put of less than three (3) years.
- (6) U.S. dollar denominated sovereign debt rated in one (1) of the three (3) highest categories by ~~a commission approved~~[an] NRSRO, with a maturity not to exceed five (5) years.
- (7) Money market securities including commercial paper, certificates of deposit, and bankers' acceptances issued by banks with the highest short-term rating by a commission approved NRSRO. Maturities shall be limited to ~~one~~ 180 days for bankers' acceptances and 270 days for all other money market securities.
 - [(7)]
 - [(a)] [Money market securities, including:]
 - [1.] [Commercial paper;]
 - [2.] [Certificates of deposit; and]
 - [3.] [Bankers' acceptances issued by banks having the highest short-term rating by an NRSRO.]
 - [(b)] [Maturities shall be limited to 180 days for bankers' acceptances and 270 days for all other money market securities.]
- (8) Repurchase agreements collateralized at a minimum of 102 percent (marked to market daily) with treasuries, agencies, and agency mortgage backed obligations with a maximum maturity of one (1) year and a maximum of three (3) years for the Kentucky Bank Repurchase Program participants.

(9) Municipal obligations rated in one (1) of the three (3) highest categories by a commission approved~~[an]~~ NRSRO, with a maturity not to exceed five (5) years. The maturity and credit restriction shall be waived for obligations issued by the Commonwealth of Kentucky or any entity within the Commonwealth of Kentucky.

(10) Mutual funds in which the underlying holdings of the fund are in securities that meet the investment criteria listed in Section 5 of this administrative regulation~~[in which the pools could invest directly].~~

(11) In meeting credit standards listed previously in this section, the lowest rating issued by a commission approved~~[an]~~ NRSRO shall be used to determine compliance. The commission, at a minimum on an annual basis, shall determine which NRSRO's shall be used.

Section 7. Limits Per Pool on Investment Securities.

(1) U.S. agency mortgage backed securities and collateralized mortgage obligations shall not exceed twenty-five (25) percent of ~~[total-]pool assets~~~~[-in aggregate].~~

(2) Asset-backed securities shall not exceed twenty (20) percent of ~~[total-]pool assets.~~

(3) U.S. dollar denominated corporate and Yankee and sovereign securities issued by foreign and domestic issuers shall not exceed thirty-five (35) percent of pool assets~~[an individual pool]~~ or \$25,000,000 per issuer~~[-within an individual pool]~~, inclusive of commercial paper, bankers' acceptances,~~[commercial paper, bankers' acceptances,]~~ and certificates of deposit unless these securities are guaranteed by the full faith and credit of the United States government.~~[:]~~

~~[(a)] [These securities are guaranteed by the full faith and credit of the United States government; or]~~

~~[(b)] [These securities were purchased between February 19, 2][009][and March 31, 2009.]~~

(4) Municipal securities shall not exceed \$25,000,000 per issuer.

(5) U.S. dollar denominated sovereign debt shall not exceed five (5) percent of pool assets~~[any individual portfolio]~~ and \$25,000,000 per issuer.

(6) The investment amount for a single mutual fund shall not exceed ten (10) percent of pool assets with an exception of twenty-five (25) percent for the short-term pool~~[total pool assets].~~

(7) The credit and diversification requirements documented in this administrative regulation shall apply at the time of purchase based on book value for the limited term pool and market value for other pools.

(8) The limits set forth in this section may be waived by unanimous vote of the commission~~[-if a situation arises which could damage the state's credit].~~

Section 8. Risk Management. The pools may utilize interest rate swaps, over-the-counter and exchange traded U.S. Treasury contracts, and options to manage the portfolio's exposure to interest rate risk. These instruments shall only be used if the results are ~~[demonstratively-]~~superior to cash market transactions.

Section 9. Pools and Operating Procedures.

(1) Limited term pool.

(a) The ~~[limited term-]~~pool shall not purchase a security with a final maturity exceeding 365 days.

(b) 1. The weighted average maturity, adjusted for interest rate resets and demand features, shall not exceed sixty (60) days; and

2. The weighted average life, adjusted for demand features only, but not interest rate resets, shall not exceed 120 days.

(c) At a minimum:

1. Ten (10) percent of the pool shall be invested in cash, direct obligations of the U.S. government or securities that mature or are subject to a demand feature payable within one (1) business day; and

2. Thirty (30) percent of the pool shall be invested in cash, direct obligations of the U.S. government, government agency discount note maturing in sixty (60) days or less or securities that mature or are subject to a demand feature payable within five (5) business days.

(d) All securities purchased for the pool shall be rated by a commission approved~~[an]~~ NRSRO.

~~[(e)] [No more than five (5) percent of the pool shall be invested in illiquid securities.]~~

~~[(f)] [No more than three (3) percent of the pool shall be invested in second tier securities and no more than five one hundredths (.05) percent of the pool shall be invested in a second tier security issuer.]~~

(e)~~(g)~~ The net asset value of pool shares shall be computed using the amortized cost method of valuing the pool's investments.

(f)~~(h)~~ The shadow net asset value using the market value of pool holdings shall be computed **at least~~no less than~~** monthly and made public within sixty (60) days of the calculation date.

(g)~~(i)~~ Stress testing of the pool based on redemption and changes in market value shall be performed **at least~~no less than~~** quarterly and reported to the commission.

(h)~~(j)~~ Monthly portfolio listings shall be published to a public Web site and shall remain available for **at least~~no less than~~** six (6) months.

(2) Operating procedures.

(a) Except as provided by paragraph (b) of this subsection, state funds held in agency or university accounts, the interest of which accrues to the agency or university, shall be placed in the intermediate pool.

(b) These funds may be placed in the limited-term pool, if the commission determines that the liquidity needs of an agency require shorter term investment.

(c) The duration of the intermediate pool shall not exceed three (3) years.

Section 10. Approved Broker-Dealers.

(1) A broker-dealer who was approved by the commission prior to the effective date of this administrative regulation shall be considered an approved broker-dealer.

(2) Except as provided by subsection (1) of this section, a broker-dealer shall be approved by the commission if the broker-dealer has met the requirements established by subsection (3), (4), or (5) of this section, as applicable.

(3) An approved broker-dealer shall be a broker dealer who meets one (1) of the following qualifications:

(a) Is a primary dealer of the Federal Reserve;

(b) Maintains an office in Kentucky, and has either ~~\$50,000,000~~~~[\$25,000,000]~~ in excess net capital or has trades that are guaranteed by a primary dealer of the Federal Reserve;

(c) Has a minimum of ~~\$130,000,000~~~~[\$100,000,000]~~ in excess net capital; or

(d) Is an alternative trading system as defined by the Securities and Exchange Commission.

(4) An approved broker-dealer for hedge vehicles shall:

(a) Have at least ~~\$130,000,000~~~~[\$100,000,000]~~ in excess net capital;

(b) Have market value transactions limited to his excess net capital; and

(c) Have executed the:

1. International Swap and Derivatives Association Agreement prior to the implementation of a swap; and

2. Commonwealth of Kentucky Master Agreement, Over-the-counter Option Transactions - U.S. Treasury Securities, prior to the implementation of an over the counter option transaction.

(5)

~~(a)~~ Within 180 days of the end of each broker-dealer's fiscal year, a broker-dealer shall submit a copy of the broker-dealer's audited financial statements for that fiscal year.

~~(6)~~~~(b)~~ A broker-dealer who wishes to be approved by the commission as an approved broker-dealer shall submit a copy of the broker-dealer's current audited financial statements.

~~(7)~~~~(c)~~ Notwithstanding the broker-dealer requirements described in this section, the state may purchase securities directly from the issuer.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Securities Industry and Financial Markets Association Master Repurchase Agreement", 12/08;

(b) "Custodial Undertaking in Connection with Master Repurchase Agreement, Bank of New York", 12/08;

(c) "Custodial Undertaking in Connection with Master Repurchase Agreement, Chase Manhattan", 12/08;

(d) "International Swap and Derivatives Association Agreement", 12/02; and

(e) "Commonwealth of Kentucky Master Agreement, Over-the-counter Option Transactions - U.S. Treasury Securities", 12/97.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at State Investment Commission, 200 Mero Street, 5th Floor~~[Suite 76, Capitol Annex]~~, Frankfort, Kentucky 40622~~[40604]~~ Monday through Friday, 8 a.m. to 4:30 p.m. and online at the Office of Financial Management's Web site at <https://finance.ky.gov/office-of-the-controller/office-of-financial-management/Pages/default.aspx>.

CONTACT PERSON: Laura Sharp, Administrative Specialist III, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622; phone (502)564-6660, fax (502)564-9875, email laura.sharp@ky.gov.



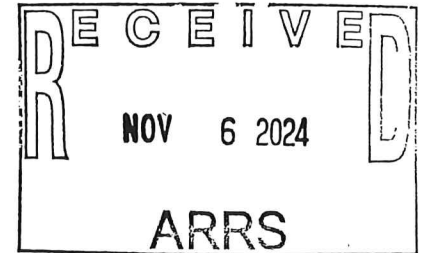
**FINANCE AND ADMINISTRATION CABINET
OFFICE OF THE SECRETARY**

Andy Beshear
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November 6, 2024



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
702 Capitol Avenue
Frankfort, KY 40601

Re: 200 KAR 14:011 Qualified investments; 200 KAR 14:081 Repurchase agreement; 200 KAR 14:091 Guidelines for money market instruments; and 200 KAR 15:010 Formula for allocation of private activity bonds

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 200 KAR 14:011; 200 KAR 14:081; 200 KAR 14:091; and 200 KAR 15:010, the Finance and Administration Cabinet proposes the attached amendments to 200 KAR 14:011; 200 KAR 14:081; 200 KAR 14:091; and 200 KAR 15:010.

Sincerely,

Signed by:

Ashley L. Daily

1C83DCD601B14D0

Ashley L. Daily
Staff Attorney II
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200 Mero Street, 5th Floor
Frankfort, Kentucky 40622

Final, 10-31-2024

SUGGESTED SUBSTITUTE

FINANCE AND ADMINISTRATION CABINET
State Investment Commission

200 KAR 14:081. Repurchase agreement.

RELATES TO: KRS [41.610,]42.500(9)-(14), 42.520, 42.525

STATUTORY AUTHORITY: KRS 42.500(10), 42.520(2), 42.525

NECESSITY, FUNCTION, AND CONFORMITY: KRS 42.500(10) requires the State Investment Commission to promulgate administrative regulations for the investment and reinvestment of state funds. KRS 42.520(2) requires the commission to promulgate administrative regulations concerning the assignment of priorities to public depositories. KRS 42.525(1) requires the commission to promulgate administrative regulations for the investment and reinvestment of state funds and the acquisition, retention, management, and disposition of investments. This administrative regulation establishes the general standards which shall apply to the employment of repurchase agreements as investment vehicles with eligible financial institutions.

Section 1. Definitions.

- (1) "Commission" means the State Investment Commission.
- (2) "Eligible financial institution" means an entity approved for repurchase agreements by the commission.
- (3) "Office" means the Office of Financial Management.
- (4) "Repurchase agreement" means an actual, conditional purchase or sale of securities of the United States Treasury, an agency, instrumentality, or corporation of the United States, or another security authorized for investment pursuant to KRS 42.500(9)(a) or (b), with an agreement to resell or repurchase the securities to their original owner on a specific date in the future.

Section 2. Minimum Interest Rates. ~~[Except as provided by KRS 41.610,]~~ The commission shall not invest public funds in a repurchase agreement with a yield less than may~~could~~ be received on a directly purchased United States Treasury security of comparable maturity.

Section 3. Reporting Requirements for Eligible Investment Institutions. The commission shall inform eligible financial institutions of the reporting requirements for the investment of state funds in eligible financial institutions established by this section. An eligible financial institution shall:

- (1) Submit a copy of its quarterly financial reports including accompanying schedules, to the commission within thirty (30) days from the end of each quarter; and
- (2) Complete and sign the Securities Industry and Financial Markets Association Master Repurchase Agreement, including completion of the Custodial Undertaking in Connection with Master Repurchase Agreement as needed or required, incorporated by reference in 200 KAR 14:011.

Section 4. Eligible Securities. Investment securities authorized for investment pursuant to KRS 42.500(9)(a) and (b) shall be considered eligible securities for repurchase agreements.

Section 5. Sufficiency of Securities Purchased.

- (1) The securities purchased shall have a market value, including accrued interest, of at least~~not less than~~ 102 percent of the face value of the repurchase agreement.
- (2) The review for the sufficiency of collateral on all repurchase agreements shall occur every business day excluding holidays by the office~~The state's custodian banking contract shall require the custodial bank to review the sufficiency of collateral on all repurchase agreements, except those subject to a~~

triparty agreement. The review shall occur at least every seven (7) calendar days with periodic reviews made by the office].

(3) The commission shall demand additional securities to be delivered immediately, during[if] market conditions that cause the value of the securities purchased to drop below 102 percent of the face value of the repurchase agreement.

Section 6. Status of Parties.

(1) The commission and the eligible financial institutions authorized to enter into repurchase agreements:

- (a) Shall be considered principals in repurchase agreements; and
- (b) Shall not be considered agents for third parties.

(2) Contractual obligations shall apply to and be binding on the commission and the specific eligible financial institution with which the repurchase agreement is initially negotiated and settled.

(3) The commission shall approve the eligible financial institutions quarterly following fundamental analysis of the most recent financial releases.

(4) The office [~~of Financial Management~~] shall monitor credit worthiness of eligible financial institutions daily based on financial market indicators.

Section 7. Default.

(1)

~~[(a)]~~ If an eligible financial institution with which the commission has entered into a repurchase agreement defaults, or is determined by the commission to be in danger of default, the commission shall set off claims and liquidate property held in respect to the repurchase agreement against obligations owing to the eligible financial institution under other repurchase agreements.

~~[(2)]~~~~[(b)]~~ Payments, deliveries, and other transfers made under a repurchase agreement shall be deemed to have been made in consideration of payments, deliveries, and other transfers made under any other repurchase agreement by the eligible financial institution.

~~[(3)]~~~~[(c)]~~ The obligation to make payments, deliveries, and other transfers under a repurchase agreement may be applied against the obligation to make payments, deliveries, and other transfers under any other repurchase agreements of the eligible financial institution and netted.

~~[(4)]~~~~[(2)]~~

~~[(a)]~~ From the proceeds of liquidated property, the commission shall pay itself the full principal and accrued interest due as of the date of liquidation.

~~[(5)]~~~~[(b)]~~ Remaining cash balances shall be forwarded to the financial institution with which the repurchase agreement was originally executed.

Section 8. Kentucky Bank Repurchase Program.

(1) Repurchase agreements with commercial banks and savings and loan associations chartered by the Commonwealth of Kentucky or by the U.S. government with offices located in Kentucky before being placed shall meet the following criteria:

- (a) A loan to deposit ratio equal to or greater than seventy (70) percent;
- (b) A nonperforming loan to capital ratio of equal to or less than twenty-five (25) percent;
- (c) A capital to assets ratio equal to or greater than eight (8) percent or regulatory requirements; and
- (d) A return on assets ratio greater than one-half~~[five-tenths]~~ (0.5) percent.

(2) Repurchase agreements with maturities equal to or greater than 365 days with commercial banks and savings and loan associations chartered by the Commonwealth of Kentucky or by the U.S. government with offices located in Kentucky shall be limited to \$5,000,000 per institution.

(3) The office shall review the financial ratios listed quarterly to determine eligibility of institutions. Existing repurchase agreements with institutions which fail to meet the minimum criteria for two (2) consecutive quarters shall be subject to call at par value by the commission. Repurchase agreements shall be placed according to:

- (a) Availability of funds;
- (b) Demand for funds by the institutions; and
- (c) Highest loan to deposit ratio of eligible institutions.

(4)

~~[(a)]~~ A repurchase agreement with a commercial bank or savings and loan shall not be an amount in excess of its capital structure or ten (10) percent of the institution's deposits, whichever is less.

~~(5)[(b)]~~ The commission shall not enter into a Kentucky Bank Repurchase Program repurchase agreement with a commercial bank or savings and loan association that will cause that institution to exceed in aggregate a total of \$50,000,000~~[\$25,000,000]~~ in repurchase agreements.

~~(6)[(5)]~~ Yield charged and collateral requirements for commercial banks and savings and loans.

(a) A commercial bank or savings and loan submitting U.S. Treasuries and agencies excluding mortgage backed securities and collateralized mortgage obligations as collateral shall be charged the ~~[same duration yield generic-]~~repurchase rate with an equivalent term as quoted by Bloomberg L.P.~~[Financial Markets with]~~and shall have a market value of 102 percent of the repurchase agreement face value~~[collateral]~~.

(b) A commercial bank or savings and loan submitting mortgage-backed securities and collateralized mortgage obligations shall be charged the ~~[same duration yield generic-]~~repurchase rate with an equivalent term as posted on Bloomberg L.P.~~[Financial Markets]~~, plus fifty (50) basis points and shall have a market value of~~[with]~~ 105 percent of the repurchase agreement face value~~[collateral]~~.

~~(7)[(6)]~~ Payment for and holding collateral~~[safekeeping]~~ of purchases.

(a) Each transaction shall be conducted on a payment-versus-delivery basis.

(b) The office~~[A party]~~ shall not allow state funds to be released until delivery of adequate, negotiable collateral has been verified.

(c) Securities purchased from commercial banks or savings and loan associations in a repurchase agreement shall be received, verified, and held~~[safe-kept]~~ by the state's custodial bank or its agent.

CONTACT PERSON: Laura Sharp, Administrative Specialist III, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622; phone (502)564-6660, fax (502)564-9875, email laura.sharp@ky.gov.



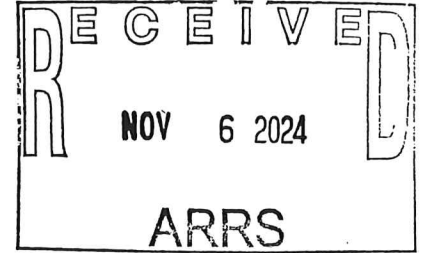
**FINANCE AND ADMINISTRATION CABINET
OFFICE OF THE SECRETARY**

Andy Beshear
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November 6, 2024



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
702 Capitol Avenue
Frankfort, KY 40601

Re: 200 KAR 14:011 Qualified investments; 200 KAR 14:081 Repurchase agreement; 200 KAR 14:091 Guidelines for money market instruments; and 200 KAR 15:010 Formula for allocation of private activity bonds

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 200 KAR 14:011; 200 KAR 14:081; 200 KAR 14:091; and 200 KAR 15:010, the Finance and Administration Cabinet proposes the attached amendments to 200 KAR 14:011; 200 KAR 14:081; 200 KAR 14:091; and 200 KAR 15:010.

Sincerely,

Signed by:

Ashley L. Daily

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Ashley L. Daily
Staff Attorney II
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Finance and Administration Cabinet
200 Mero Street, 5th Floor
Frankfort, Kentucky 40622

Final, 10-30-2024

SUGGESTED SUBSTITUTE

**FINANCE AND ADMINISTRATION CABINET
State Investment Commission**

200 KAR 14:091. Guidelines for money market instruments.

RELATES TO: KRS [41.610,]42.014(1), 42.500, 42.505-42.545

STATUTORY AUTHORITY: KRS 42.500(10), 42.520(2), 42.525

NECESSITY, FUNCTION, AND CONFORMITY: KRS 42.500(10) requires the State Investment Commission to promulgate administrative regulations for the investment and reinvestment of state funds. KRS 42.520(2) requires the commission to promulgate administrative regulations concerning the assignment of priorities to public depositories. KRS 42.525 requires the State Investment Commission to prescribe standards for the operation of the state's investment program. This administrative regulation establishes the standards which shall apply to the use of certain money market instruments which include bankers' acceptances, commercial paper, and negotiable collateralized and uncollateralized certificates of deposit.

Section 1. Definitions.

- (1) "Bankers' acceptance" means a short-term negotiable discount note drawn on and accepted by a bank or trust company which is obligated to pay the face value amount at maturity.
- (2) "Commercial paper" means an unsecured promissory obligation having a maturity of less than 270 days.
- (3) "Commission" means the State Investment Commission.
- (4) "NRSRO" means "Nationally Recognized Statistical Ratings Organization", which is a credit rating agency that is registered with the Securities and Exchange Commission, and which provides its opinion on the creditworthiness of an entity and the financial obligations issued by that entity.
- (5) "Office" means the Office of Financial Management.

Section 2. Bankers' Acceptances.

- (1) The office may purchase bankers' acceptances if rated in the highest short-term rating category by a commission approved~~[an]~~ NRSRO.
- (2) The purchase of these instruments shall be:
 - (a) Made on a delivery versus payment basis; and
 - (b) Held in the Commonwealth's account in whatever depository shall be designated as eligible by the commission.
- (3)
 - ~~[(a)]~~ Investment in bankers' acceptances shall be made for a period of no longer than 180 days per investment.
 - ~~[(b)]~~ ~~[The total amount of the investment in this security shall not exceed the amount of twenty-five (25) million dollars in one (1) institution at a time.]~~

Section 3. Commercial Paper.

- (1) The office may purchase commercial paper rated in the highest short-term rating category by a commission approved~~[an]~~ NRSRO.
- (2) The purchase of these instruments shall be:
 - (a) Made on a delivery versus payment basis; and
 - (b) Held in the Commonwealth's account in whatever depository shall be designated as eligible by the commission.

(3) ~~[The]~~ Investments in commercial paper shall be made for a period of no longer than 270 days per investment ~~[and the total amount of the investment in this security shall not exceed the amount of twenty five (25) million dollars by any issuer at a time].~~

Section 4. Negotiable Certificates of Deposit, Collateralized and Uncollateralized.

(1) The office may purchase collateralized certificates of deposit if issued by banks rated in one (1) of the three (3) highest categories by a commission approved~~[an]~~ NRSRO.

(2) The office may purchase uncollateralized negotiable certificates of deposit if issued by banks rated in one (1) of the two (2) highest categories by a commission approved~~[an]~~ NRSRO ~~[or subject to 200 KAR 14:200].~~

(3) The purchase of these instruments shall be:

(a) Made on a delivery versus payment basis; and

(b) Held in the Commonwealth's account in whatever depository shall be designated as eligible by the commission.

(4)

~~[(a)]~~ Investment in negotiable certificates of deposits shall be made for a period of no longer than 270 days per investment ~~[unless specifically authorized by KRS 41.610].~~

~~[(b)] [The total amount of investments in certificates of deposit shall not exceed the amount of twenty-five (25) million dollars in any one (1) institution at a time.]~~

Section 5. Limits of Money Market Instruments Per Pool. ~~The aggregate investment in bankers' acceptances, commercial paper, and negotiable certificates of deposit shall not exceed thirty-five (35) percent of pool assets or \$25,000,000 per issuer. [Limit of Money Market Instruments of the State's Total Portfolio. The aggregate investment in bankers' acceptances, commercial paper, and negotiable certificates of deposit shall not exceed thirty-five (35) percent of the Commonwealth's total investment portfolio.]~~

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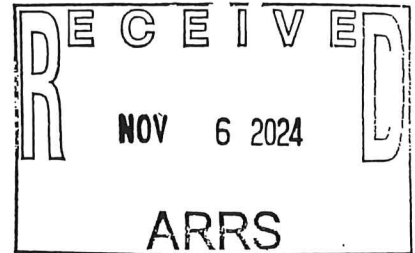
**FINANCE AND ADMINISTRATION CABINET
OFFICE OF THE SECRETARY**

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November 6, 2024



Senator Stephen West, Co-Chair
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083, Capitol Annex
702 Capitol Avenue
Frankfort, KY 40601

Re: 200 KAR 14:011 Qualified investments; 200 KAR 14:081 Repurchase agreement; 200 KAR 14:091 Guidelines for money market instruments; and 200 KAR 15:010 Formula for allocation of private activity bonds

Dear Co-Chairs West and Lewis:

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Sincerely,

Signed by:

Ashley L. Daily

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Final, 10-31-2024

SUGGESTED SUBSTITUTE

FINANCE AND ADMINISTRATION CABINET
Office of the Secretary

200 KAR 15:010. Formula for allocation of private activity bonds.

RELATES TO: KRS 103.200(1)(k), (l), (m), (n), (2), 103.2101, 103.282, 103.286, 26 U.S.C. 146~~[, Pub.L. 111-5]~~

STATUTORY AUTHORITY: KRS 103.286(3), 26 U.S.C. 146

NECESSITY, FUNCTION, AND CONFORMITY: KRS 103.286(3) requires the Secretary of the Finance and Administration Cabinet to promulgate administrative regulations to provide for the allocation of the state ceiling for the issuance of private activity bonds. This administrative regulation establishes the formula for that allocation ~~and~~ ~~[This administrative regulation also establishes]~~ the Commonwealth's role in the allocation of additional federal volume cap~~[received as a result of the American Recovery and Reinvestment Act of 2009, Pub.L. 111-5].~~

Section 1. Definitions.

(1) "Additional federal volume cap" means federal volume cap allocated above the annual state allocation provided by 26 U.S.C. ~~[sec.]~~146(d).

(2) "Affected bonds" means "private activity bonds" as defined by 26 U.S.C. ~~[sec.]~~146, excluding any obligations not subject to the state ceiling under the Code.

~~(3)~~~~(2)~~ "Allocation" means the amount of volume cap that was approved by the Kentucky Private Activity Bond Allocation Committee for a local issuer or state issuer.

~~(3)~~ ~~["ARRA" means the American Recovery and Reinvestment Act of 2009, Pub.L. 111-5.]~~

(4) "Available volume cap" means the amount of unallocated volume cap remaining at the close of business on June 30.

(5) "Bonds" is defined by KRS 103.200(2).

(6) "Committee" means the Kentucky Private Activity Bond Allocation Committee.

(7) "Eligible volume cap applicants" means issuers and local issuers who file a notice of intent to issue bonds relating to volume cap.

(8) "Energy efficiency project" means a project meeting the requirements of KRS 103.282.

(9) "Energy efficiency project reserve" means the percentage of the state ceiling that shall be reserved for an energy efficiency project through June 30.

(10) "Issued" means delivered and paid for.

(11) "Issuer" means the public or authorized governmental body which issues the bonds.

(12) "Local issuer" means a public or authorized governmental body which issues bonds on behalf of a local project.

(13) "Local issuer pool" means the portion of the state ceiling from which allocations for local projects are made to issuers of affected bonds issued on behalf or for the benefit of an entity which is not a state agency.

(14) "Local project" means a project, other than a project for creation or financing of residential single family or multifamily affordable housing which are included under the "state projects", for which bonds are issued on behalf or for the benefit of an entity which is not a state agency.

(15) "Lottery" means any process of random selection utilized to allocate available volume cap and which is conducted:

(a) By staff at a public meeting of the Committee; and

(b) In accordance with Section 4 of this administrative regulation.

(16) "Staff" means the Office of Financial Management of the Finance and Administration Cabinet.

(17) "State ceiling" means the cap imposed by 26 U.S.C. 146 on private activity bonds issued within the Commonwealth of Kentucky.

(18) "State project" means a project, including creation or financing of residential single family or multifamily affordable housing projects and student loans, for which bonds are issued by, on behalf, or for the benefit of a state agency.

(19) "Year" means calendar year.

Section 2. Evaluation of Local Projects. Local projects seeking allocation from the state ceiling shall be allocated according to rankings based on the following factors:

- (1) Creation of new jobs, as well as preservation of existing jobs, by the project;
- (2) Average hourly wage and benefits of new employees proposed for the project;
- (3) Capital investment in Kentucky being made as a result of the project;
- (4) Unemployment rate in the county of the project;
- (5) Any state economic development incentives awarded to the company; and
- (6) Previous state ceiling allocated to the benefited borrower within the last ten (10) years.

Section 3. Evaluation of Energy Efficiency Projects. Energy efficiency projects seeking allocation from the state ceiling under the Energy Efficiency Project Reserve shall be allocated according to rankings based on the following factors:

- (1) Annual energy savings associated with the project;
- (2) Capital investment in Kentucky being made as a result of the project;
- (3) Unemployment rate in the county of the project;
- (4) Any state economic development incentives awarded to the company; and
- (5) Previous state ceiling allocated to the benefited borrower within the last ten (10) years.

Section 4. Allocation of Available Volume Cap.

- (1) Allocations from the available volume cap shall be made to eligible volume cap applicants as follows:
 - (a) First, a lottery shall be conducted to determine the order of disbursement to local projects which did not receive an allocation from the local issuer pool;
 - (b) Second, to the extent there is remaining available volume cap, a lottery shall be conducted to determine the order of disbursement to local projects which received an allocation from the local issuer pool, whether the allocation was issued or not; and
 - (c) Finally, any remaining available volume cap shall be allocated by the committee to one (1) or more state issuers for use during the year or as carry forward.
- (2) The committee shall choose a reasonable method of random selection for the lottery process.

Section 5. Committee Meetings. The committee shall meet as necessary to allocate the state ceiling. Special meetings may be held on the call of the committee chairman.

Section 6. An issuer shall obtain a confirmation authorizing the issuance of affected bonds by filing with the committee a written notice of intent to issue bonds, using a [the -] Notice of Intent ["] form. The committee shall issue a confirmation, using a [the -] Confirmation of Allocation of State Ceiling ["] form, allocating to the issuer a portion of the state ceiling. Affected bonds shall not be issued by any issuer prior to receiving confirmation by the committee of an allocation under the state ceiling. Confirmations shall be dated and numbered in the order issued.

Section 7. Notice of Issuance for Local Projects and Energy Efficiency Projects. A confirmation shall expire ninety (90) calendar days from the date of allocation by the committee, or December 15, whichever is earlier. The issuer shall deliver to the committee a notice that the affected bonds have been issued, using a [the -] Notice of Issuance ["] form. The notice of issuance may be sent by any means, but the committee shall receive it by the close of business on the 90th day after the confirmation. If the notice period ends on a Saturday, Sunday, or other day upon which state offices are closed for business, the notice period shall be extended to the next business day.

Section 8. Notice of Issuance for State Projects. The issuer shall deliver to the committee a notice of issuance. The notice of issuance may be sent by any means, but the committee shall receive it by the

close of business on or before December 15. If the notice period ends on a Saturday, Sunday, or other day upon which state offices are closed for business, the notice period shall be extended to the next business day.

Section 9. Issuance of Bonds in Lesser Amounts than Confirmation. A confirmation of affected bonds shall be effective if the issued amount of the bonds is not less than eighty-five (85) percent of the original confirmation. The issuer shall notify the committee if the bonds issued are within the eighty-five (85) percent requirement and the unused part of the allocation shall revert to the local issuer pool, or if this reversion occurs after June 30 of any year, the amount shall become available volume cap.

Section 10. Carry Forward Allocations.

(1) In any year, the committee shall allocate any remaining state ceiling as carry forward allocations if the aggregate amount of affected bonds issued during the year is less than the state ceiling on December 15th. An issuer shall, in order to receive a carry forward allocation, file with the committee by December 15th:

(a) A notice of intent; and

(b) A carry forward election of unused private activity bond volume cap, using U.S. Treasury Department Form 8328.

(2) The carry forward of any unallocated portion of the state ceiling may be for any purpose authorized by 26 U.S.C. ~~[sec.]~~146(f).

(3) The committee shall issue a confirmation of the notice and election to carry forward, using ~~a~~ **[the "Confirmation of Carry Forward Allocation of State Ceiling"]** form.

(4) The committee may, but shall not be required to, allocate a carry forward notice or election filed after December 15th.

Section 11. The committee shall not confirm a notice of intent after the aggregate amount of bond confirmations, including carry forwards, have reached the state ceiling for that year.

Section 12. Form and Manner.

(1) The committee and issuer shall use the notice and confirmation forms incorporated by reference in Section 15 of this administrative regulation.

(2) An issuer of a local project or energy efficiency project shall not:

(a) File a notice of intent unless the issuance ~~shall~~ **[will]** be made within the ninety (90) day confirmation period established in Section 7 of this administrative regulation; or

(b) Seek an allocation of the state ceiling in excess of the amount necessary to finance all costs of a local project.

(3) An issuer of a state project shall not:

(a) File a notice of intent unless the issuance ~~shall~~ **[will]** be made by December 15; or

(b) Seek allocation of the state ceiling in excess of the amount necessary to finance all costs of a state project.

Section 13. Delegation of Functions. The committee shall review and allocate all requests for state ceiling. The committee shall not delegate authority to make allocations of the state ceiling to staff except if there are surplus or carry forward allocations. Any delegation of authority and the limit of that authority shall be recorded verbatim in the minutes of the committee meeting at which the delegation is made.

Section 14. Additional Federal Volume Cap Allocations~~[under ARRA]~~.

(1) If federal regulations allocate volume cap directly to the Commonwealth or allow for transfer or waiver of any direct volume cap allocation to a local government back to the Commonwealth, the committee shall:

(a) Accept any notice of waiver of volume cap as authorized by the local governing body on behalf of the Commonwealth;

(b) Accept applications of eligible volume cap recipients consistent with federal regulation; and

(c) Rank each application and allocate volume cap based upon:

1. Any federally mandated standards and objectives; and
 2. Expected value to the Commonwealth.
- (2) Notice of Issuance. The issuer shall deliver to the committee a notice that the affected bonds have been issued within the time constraints established in the applicable federal regulation, if any.

Section 15. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) ~~["The"]~~ "Notice of Intent", December 2014 ~~[form specified by the Office of Financial Management and posted on its Web site];~~

(b) ~~["The"]~~ "Confirmation of Allocation of State Ceiling", March 1998 ~~[form specified by the Office of Financial Management and posted on its Web site];~~

(c) ~~["The"]~~ "Confirmation of Allocation of Carry-Forward Allocation of State Ceiling", March 1998 ~~[form specified by the Office of Financial Management and posted on its Web site];~~

(d) ~~["The"]~~ "Notice of Issuance", March 1998 ~~[form specified by the Office of Financial Management and posted on its Web site];~~ and

~~[(a)]~~ ["Notice of Intent" application, December 2014;]

~~[(b)]~~ ["Confirmation of Allocation of State Ceiling", March 1998;]

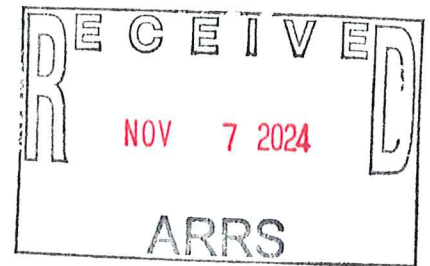
~~[(c)]~~ ["Confirmation of Carry forward Allocation of State Ceiling", March 1998;]

~~[(d)]~~ ["Notice of Issuance", March 1998; and]

(e) "U.S. Treasury Department Form 8328", August 2022.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Financial Management, 200 Mero Street, 5th Floor ~~[76 Capitol Annex]~~, Frankfort, Kentucky 40622 ~~[40604]~~, Monday through Friday, 8 a.m. to 4:30 p.m. and online at the Office of Financial Management's Web site at <https://finance.ky.gov/office-of-the-controller/office-of-financial-management/Pages/default.aspx>.

CONTACT PERSON: Laura Sharp, Administrative Specialist III, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622; phone (502) 564-6660, fax (502) 564-9875, email laura.sharp@ky.gov.



Andy Beshear
Governor

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Christopher P. Harlow, PharmD

Senator Stephen West
Representative Derek Lewis
Legislative Research Commission
083, Capital Annex
702 Capitol Avenue
Frankfort, Kentucky 40601

November 6, 2024

Dear Co-Chairs,

After consideration of the issues raised by **201 KAR 2:370**, the Board of Pharmacy proposes the attached staff suggested substitute to this ordinary administrative regulation.

Sincerely,

Christopher Harlow, Executive Director
Kentucky Board of Pharmacy

Final, 10-4-2024

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS
Board of Pharmacy

201 KAR 2:370. Pharmacy services in long-term care facility (LTCF).

RELATES TO: KRS 216.510(1), 315.010, 315.020, 315.030, 315.121

STATUTORY AUTHORITY: KRS 315.002, 315.005, 315.191

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1) authorizes the Kentucky Board of Pharmacy to establish requirements to regulate and control pharmacies. KRS 315.002 and 315.005 require standards of practice in all settings where drugs are handled and require the board to ensure safety of all drug products provided to the citizens of Kentucky. This administrative regulation establishes requirements for pharmacy services in long-term care facilities.

Section 1. Definitions.

(1) "Automated Dispensing System" or "ADS" means a mechanical system that performs operations or activities, other than compounding or administration, relative to the storage, packaging, counting, labeling, and dispensing of medications, and which collects, controls, and maintains all transaction information.

(2) "Emergency Drug" means drugs required to meet the immediate therapeutic needs of patients that are not available from any other authorized source in sufficient time to prevent risk of harm to patients because of delay.

(3) "Emergency Medication Kit" or "EMK" means an onsite manual or automated mechanism for delivering emergency medications.

(4) "Immediate supervision" is defined by KRS 315.010(12).

(5) "Individual dose" means smallest unit that is commercially available.

(6) "Long-term care facility" or "LTCF" is defined by KRS 216.510(1), excluding family-care homes and assisted living communities.

(7) "Long Term Care Facility Drug Stock" or "LTCF drug stock" means a dose or doses generated from a prescription order sufficient until the next pharmacy business day or IV fluids that are used for replenishment, which contain no additive drugs, or irrigation solutions.

(8) "Pharmacist-in-charge" or "PIC" means a pharmacist mandated as in charge under KRS 315.020 and who meets the requirements of 201 KAR 2:205.

(9) "Supervision" is defined by KRS 315.010(27).

(10) "Tamper-resistant secure container" means an enclosed container:

(a) Used in a tamper-resistant ADS; and

(b) Designed to prevent the opening of the container and manipulation of medications prior to loading the ADS and after the contents of the container have been enclosed and verified by a pharmacist.

Section 2. General Requirements.

(1) The pharmacist-in-charge of the dispensing pharmacy shall:

(a) Be responsible for policies and procedures governing the procurement, distribution, storage, security, access, administration, and control of all drugs that are provided to a LTCF;

(b) Review all policies and procedures at least once every twelve (12) months;

(c) Provide LTCF drug stock or an EMK only to facilities that authorize entry by a board agent for the purposes of inspection or investigation of the LTCF drug stock or EMK at the facility;

(d)

1. Maintain written authorization for entry; and

2. Immediately provide written authorization for entry to the board upon request of a board agent; and
 - (e) Maintain a current list of all locations where LTCF drug stock or an EMK are stored, which shall be made immediately available upon request by a board agent.
- (2) Dispensing.
- (a) Controlled substance medications shall be dispensed only by prescription drug order of a licensed practitioner.
 - (b) Non-controlled substance medications shall be dispensed only on a medical order or prescription drug order of a licensed practitioner.
 - (c) A medical order entered on the medical record of a patient at a LTCF shall contain:
 1. Name of patient;
 2. Date of issuance;
 3. Name, strength, and dosage form of drug prescribed;
 4. Directions for use; and
 5. Practitioner's name.
 - (d) Each licensee shall comply with United States Pharmacopeia (USP) Chapter 7 Labeling regarding labeling and packaging.
- (3) The services of a pharmacist shall be readily available at all times.
- (4) Emergency drugs.
- (a) Emergency drugs for controlled substances in a LTCF EMK shall be stocked pursuant to 902 KAR 55:070.
 - (b) Emergency drugs for non-controlled substances in an EMK shall not exceed six (6) individual doses of thirty (30) different non-controlled substances, per LTCF.
 - (c) The pharmacist-in-charge may request a waiver from the board to increase the number of doses or numbers of non-controlled substances in the EMK based on evidence of use.
 - (d) An EMK shall be assessed for outdated, damaged or adulterated drugs, and stock adequacy by:
 1. A pharmacist or any lawful person as stated in 902 KAR 55:070 on a monthly basis for controlled substances; or
 2. A pharmacist, a PIC authorized pharmacist intern, or certified pharmacy technician on a monthly basis for non-controlled substances.
 - (e) EMK drugs shall be supplied in unit dose packaging unless precluded by manufacturer packaging.
 - (f) An EMK shall be conspicuously labeled.
 - (g) An EMK drug shall be accessed only upon a lawful prescription order.
 - (h) All prescription orders shall be reviewed by a pharmacist within one (1) pharmacy business day.
 - (i) An EMK shall not be stocked in a personal care home without personnel lawfully licensed to administer medications.
- (5) Initial dose of LTCF drug stock in a LTCF.
- (a) Excluding personal care homes, LTCF drug stock of drugs shall not exceed fifteen (15) individual doses each of 150 non-controlled substances.
 - (b) LTCF drug stock in a personal care home shall not exceed five (5) individual doses each of thirty (30) non-controlled substances.
 - (c) The pharmacist-in-charge may request from the board a waiver to increase the number of non-controlled substance items to be placed in LTCF drug stock based upon evidence of use.
 - (d) The pharmacist-in-charge shall be responsible for authenticating the need for LTCF drug stock.
 - (e) A pharmacist shall review the prescription drug or medical order before the release of medication.
 - (f) LTCF drug stock shall be inspected by pharmacy personnel at least monthly and documentation shall be maintained to determine if:
 1. Medications are outdated; and
 2. Stocks are maintained at adequate levels.
 - (g) Except for LTCF drug stock of intravenous fluids with no additive drugs or irrigation solutions, the LTCF drug stock shall be replenished by:
 1. A tamper-resistant secure container delivered from the pharmacy;
 2. A tamper-resistant secure container for the stocking of an ADS;

3. A pharmacist, pharmacist intern, or a certified pharmacy technician who shall be under the immediate supervision of a pharmacist on-site, if there is no pharmacy on-site; or
4. A pharmacist, pharmacist intern, or a certified pharmacy technician who shall be under the supervision of a pharmacist, if there is a pharmacy on-site.

Section 3. The pharmacist-in-charge of an ADS in a LTCF shall be responsible for the following:

- (1) Initial validation of the ADS accuracy prior to use for distribution to patients **ensuring[assuring]** that the ADS:
 - (a) Is in good order and accurately dispenses the correct strength, dosage form, and quantity of drug prescribed; and
 - (b) Complies with the recordkeeping and security safeguards pursuant to Section 4 of this administrative regulation.
- (2) **Ensuring[Assuring]** that non-controlled substance prescription drug orders and medical orders are reviewed and approved by a pharmacist prior to access, except for emergency drugs;
- (3) **Ensuring[Assuring]** that controlled substance prescription drug orders are reviewed and approved by a pharmacist prior to accessing the controlled substance emergency drugs;
- (4) Implementing an ongoing quality assurance program that monitors performance of the ADS, pursuant to the written policies and procedures;
- (5) Assigning, discontinuing, or changing personnel access to the system; and
- (6) **Ensuring[Assuring]** appropriate access to medications.

Section 4. Standards. A permit holder utilizing an ADS shall comply with the following provisions:

- (1) A pharmacy shall maintain the following documentation:
 - (a) Name and address of the LTCF where the system is being used;
 - (b) The ADS manufacturer's name, model, and serial number;
 - (c) An operations manual;
 - (d) Description of how the system is used;
 - (e) Written quality assurance procedures to determine continued appropriate use of the system; and
 - (f) Written policies and procedures for system operation, safety, security, accuracy, access, and malfunction.
- (2) All written policies and procedures shall be maintained in the pharmacy responsible for the ADS.
- (3) An ADS shall maintain adequate security systems and procedures, pursuant to written policies and procedures that prevent unauthorized access to patient records and maintain patient confidentiality.
- (4) ADS records and data shall meet the following requirements:
 - (a) All events involving the contents of the ADS shall be recorded electronically; and
 - (b) Records shall be maintained by the pharmacy for five (5) years, be available to the board, and shall include the following:
 1. The time and location of each system access;
 2. Identification of the individual accessing the system;
 3. Name of the patient for whom the drug was ordered;
 4. Name, strength, dosage form, and quantity of drug accessed;
 5. Type of transaction;
 6. The prescription or transaction number if assigned; and
 7. The name of the prescriber.
 - (c) All events involving user database modifications shall be recorded electronically and maintained.
 - (d) A twenty-four (24) hour emergency call center shall be available for any ADS malfunction.
- (5) The stocking of all medications in an ADS shall be performed by a:
 - (a) Pharmacist;
 - (b) Pharmacist intern; or
 - (c) Certified pharmacy technician who shall be under the supervision of a pharmacist on-site.
- (6) If the pharmacy utilizes a tamper resistant barcoding technology, microchip, or other equivalent tamper-resistant ADS, a pharmacist-verified drug may then be loaded by a pharmacist-in-charge trained pharmacist, pharmacist intern, or certified pharmacy technician.

(7) A record of medications stocked in an ADS shall be maintained for five (5) years and shall include identification of the person stocking the ADS and the pharmacist checking for accuracy.

(8) The pharmacist-in-charge shall provide a policy for accounting for medications removed from an ADS and subsequently wasted.

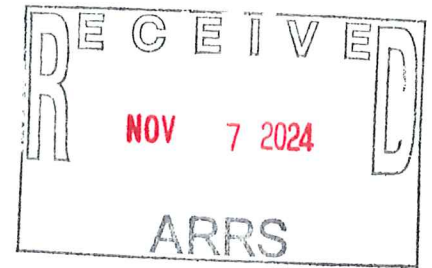
(9) The pharmacist-in-charge shall provide a policy for accounting for medications returned to an ADS.

Section 5. Incorporation by Reference.

(1) "USP Chapter 7 Labeling", (September 1, 2023)~~(December 1, 2017)~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, State Office Building Annex, Suite 300, 125 Holmes Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. through 4:30 p.m. or on the board's Web site at <https://pharmacy.ky.gov/statutesandregulations/Pages/default.aspx>.

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.Harlow@ky.gov.



Andy Beshear
Governor

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Senator Stephen West
Representative Derek Lewis
Legislative Research Commission
083, Capital Annex
702 Capitol Avenue
Frankfort, Kentucky 40601

November 6, 2024

Dear Co-Chairs,

After consideration of the issues raised by 201 KAR 2:480, the Board of Pharmacy proposes the attached staff suggested substitute to this ordinary administrative regulation.

Sincerely,

Christopher Harlow, Executive Director
Kentucky Board of Pharmacy

Final, 11-1-2024

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Pharmacy

201 KAR 2:480. Telework and electronic supervision for remote prescription processing.

RELATES TO: KRS 315.020(5), 315.310

STATUTORY AUTHORITY: KRS 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations to regulate and control all matters prescribed in KRS Chapter 315. KRS 315.020(5) authorizes order entry, order entry verification, and drug regimen review as tasks that may[can] be performed outside of the permitted space of the pharmacy. ~~[The purpose of]~~This administrative regulation establishes the[is to provide] minimum requirements for pharmacies located in Kentucky engaged in remote prescription processing conducted via telework and the requirements[to establish rules] for electronic supervision.

Section 1. Definitions.

(1) "Electronic Supervision" means[shall mean] the oversight provided by a pharmacist licensed in Kentucky and supervising, by means of a real-time electronic communication system, a pharmacist intern or registered pharmacy technician who is working for a permitted pharmacy.

(2) "Telework" means the practice or assistance in the practice of pharmacy by a contractor or an employee of the pharmacy from a remote location outside of the permitted pharmacy.

(3) "Telework Functions" means:

(a) For[of] a pharmacist includes[include]:

1.[(a)] Receiving, interpreting, or clarifying medical orders or prescription drug orders;

2.[(b)] Order entry and order entry verification;

3.[(c)] Transfer of prescription information;

4.[(d)] Prospective drug utilization reviews;

5.[(e)] Interpretation of clinical data;

6.[(f)] Refill authorizations;

7.[(g)] Performing therapeutic intervention; and

8.[(h)] Patient counseling; and

(b) For[(4) "Telework Functions" of] a pharmacy technician are limited to tasks authorized under KRS 315.020(5).

(4)[(5)] "Telework Site" means a location within the United States where a pharmacy technician assists[may assist] in the practice of pharmacy, or a pharmacist or pharmacist intern engages in the practice of pharmacy as a contractor[contractors] or an employee[employees] outside of the pharmacy located and permitted in Kentucky.

Section 2. Registration. The pharmacy and the pharmacist-in-charge of the pharmacy shall ensure[are responsible for ensuring] individuals at telework sites are licensed or registered with the board.

Section 3. Requirements.

(1) The pharmacy and pharmacist-in-charge, or the designee appointed by the pharmacist in charge shall ensure that interns and pharmacy technicians working under electronic supervision are supervised by a Kentucky licensed pharmacist.

(2) A pharmacist or intern that engages in the practice of pharmacy and a pharmacy technician that assists in the practice of pharmacy at a telework site shall be licensed or registered by the board and shall comply with all applicable federal and state law[laws and rules].

(3) Prescription drugs and related devices shall not be at a telework site.

- (4) The pharmacy utilizing telework functions shall:
- (a) Possess a written agreement with the licensee or registrant that includes all conditions, duties, and policies governing the licensee or registrant engaged in telework activities;
 - (b) Maintain a continuously updated, readily retrievable, list of all licensees and registrants engaged in telework and the:
 1. Address and phone number for each telework site;
 2. Functions being performed by licensees or registrants engaged in telework; and
 3. The name of the pharmacist providing supervision for each non-pharmacist registrant.
- (5) The pharmacist-in-charge or the designee appointed by the pharmacist in charge of a pharmacy utilizing telework functions shall:
- (a) Develop, implement, and enforce a continuous quality improvement program designed to objectively and systematically:
 1. Monitor, evaluate, **and** document the quality and appropriateness of patient care;
 2. Improve patient care;
 3. Identify, resolve, and establish the root cause of dispensing and drug utilization review errors; and
 4. Implement measures to prevent recurrence;
 - (b) Develop, implement, and enforce a procedure for identifying the pharmacist, intern, and pharmacy technician responsible for telework functions; **and**
 - (c) Develop, implement, and enforce a process for a virtual inspection of each telework site where a pharmacist technician is assisting in the practice of pharmacy or a pharmacist intern is engaged in the practice of pharmacy by a pharmacist at least once every twelve (12) months or more frequently as **determined[deemed]** necessary by the pharmacist. The inspection shall be documented and records retained. Board staff **may[are authorized to]** request and participate in virtual inspections. **[;]**

Section 4. Electronic Supervision Requirements. The pharmacy, pharmacist-in-charge, or the designee appointed by the pharmacist in charge and the supervising pharmacist from the pharmacy shall:

- (1) Utilize an electronic communication system and have appropriate technology or interface to allow access to information required to complete assigned duties;
- (2) Ensure a pharmacist is supervising and directing each intern and pharmacy technician and that the electronic communication system is operational;
- (3) Ensure that a pharmacist, using professional judgment, determines the frequency of check-ins with registrants to ensure patient safety, competent practice, and compliance with federal and state laws.
- (4) Ensure that a pharmacist is readily available to answer questions and be fully responsible for the practice and accuracy of the registrant; and
- (5) Ensure the intern or pharmacy technician knows the identity of the pharmacist who is providing supervision and direction.

Section 5. Confidentiality. The Kentucky permitted pharmacy, pharmacist-in-charge of the pharmacy, or the designee appointed by the pharmacist in charge, and the pharmacist, intern, and pharmacy technician shall:

- (1) Ensure patient and prescription information is managed in compliance with current state and federal law;
- (2) Ensure the security and confidentiality of patient information and pharmacy records;
- (3) Document in writing and report to the board within ten (10) days of discovery any confirmed breach in the security of the system or breach of confidentiality; **and[;]**
- (4) Report any breach of security or confidentiality to the Kentucky permitted pharmacy within twenty-four (24) hours of discovery and to the board within ten (10) days.

Section 6. Technology. The pharmacist-in-charge or the designee appointed by the pharmacist in charge shall:

- (1) Test the electronic communication system with the telework site and document that it operates properly before the intern or pharmacy technician engages in telework at the telework site. **[;]**

- (2) Develop, implement, and enforce a plan for responding to and recovering from an interruption of service which prevents a pharmacist from supervising and directing the intern and pharmacy technician at the telework site;~~[-]~~
- (3) Ensure access to appropriate and current pharmaceutical references based on the services offered and shall include Kentucky Revised Statutes, Kentucky Administrative Regulations, United States Code, Code of Federal Regulations, standards adopted by reference, and the Board of Pharmacy quarterly newsletters; ~~and[-]~~
- (4) Train the pharmacists, interns, and pharmacy technicians in the operation of the electronic communication system.

Section 7. Security.

- (1) The pharmacist-in-charge or the designee appointed by the pharmacist in charge and each pharmacist supervising a telework site **shall ensure**~~[is responsible for ensuring]~~ the telework site has a designated work area that is secure and has been approved by a pharmacist prior to utilization.
- (2) Confidentiality shall be maintained **so**~~[such]~~ that patient information cannot be viewed or overheard by anyone other than the pharmacist, intern, or pharmacy technician.
- (3) All computer equipment used for telework shall:
 - (a) Establish and maintain a secure connection to the pharmacy and patient information;
 - (b) Utilize a program that prevents unauthorized access to the pharmacy and patient information; and
 - (c) Ensure the pharmacy and patient information is not accessed **if**~~[when]~~:
 1. There is **not a**~~[no]~~ pharmacist actively supervising the intern or pharmacy technician at a telework site;
 2. There is **not an**~~[no]~~ intern or pharmacy technician present at the electronically supervised telework site; or
 3. Any component of the electronic communication system is not functioning; or
 - (d) Be configured so information from any patient or pharmacy records are not duplicated, downloaded, or removed from the electronic database **if**~~[when]~~ an electronic database is accessed remotely.
- (4) A record shall be maintained with the date, time, and identification of the licensee or registrant accessing patient or pharmacy records at a telework site.
- (5) All records shall be stored in a secure manner that prevents access by unauthorized persons.

Section 8. Policies and Procedures.

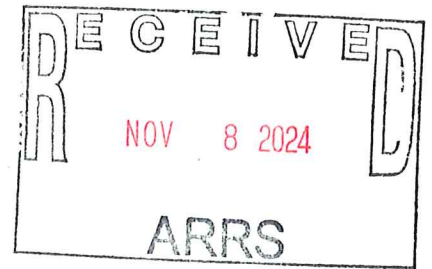
- (1) The pharmacy and the pharmacist-in-charge, or the designee appointed by the pharmacist in charge **shall be**~~[are]~~ accountable for establishing, maintaining, and enforcing written policies and procedures for the licensees working via telework. The written policies and procedures shall be maintained at the pharmacy and shall be available to the board upon request.
- (2) The written policies and procedures shall include the services and responsibilities of the licensee or registrant engaging in telework including:
 - (a) Security;
 - (b) Operation, testing, training, and maintenance of the electronic communication system;
 - (c) Detailed description of work performed;
 - (d) Pharmacist supervision and direction of interns and pharmacy technicians;
 - (e) Recordkeeping;
 - (f) Patient confidentiality;
 - (g) Continuous quality improvement;
 - (h) Plan for discontinuing and recovering services if the electronic communication system is disrupted;
 - (i) Confirmation of secure telework sites;
 - (j) Documenting the identity, function, location, date, and time of the licensees engaging in telework at a telework site;
 - (k) Written agreement with contracted licensees engaging in telework outlining the specific functions performed and requirement to comply with telework policies and procedures; and
 - (l) Equipment.

Section 9. Records.

- (1) The recordkeeping requirements of this administrative regulation ***shall be[are]*** in addition to 201 KAR 2:171.
- (2) A pharmacy utilizing registrants or licensees via telework shall be able to produce a record of each pharmacist, pharmacist intern, or pharmacy technician involved in each order entry function. The record shall include the date and time when each step function was completed.
- (3) Physical records shall not be stored at the telework site.
- (4) Records shall not be duplicated, downloaded, or removed ***if[when]*** accessed via telework.
- (5) Records shall be stored in a manner that prevents unauthorized access.
- (6) Records shall include ***items such as[~~but are not limited to~~]***:
 - (a) Patient profiles and records;
 - (b) Patient contact and services provided;
 - (c) Date, time, and identification of the licensee or registrant accessing patient or pharmacy records;
 - (d) If processing prescriptions, date, time, and identification of the licensee or registrant and the specific activity or function of the person performing each step in the process;
 - (e) Training records;
 - (f) Virtual inspections; ***[and]***
 - (g) List of employees performing telework that includes:
 1. Name;
 2. License or registration number and expiration date;
 3. Address of telework site; and
 4. Name of the Kentucky licensed pharmacist who:
 - a. Supervised the intern or pharmacy technician;
 - b. Approved licensee to telework; and
 - c. Approved each telework site; ***and[.]***
 - (h) Electronic communication system testing and training ***[;]***

Section 10. Prohibited Practices. Final product verification and dispensing from a location outside of or other than a permitted pharmacy ***shall not occur[are prohibited]*** in telework.

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.



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Andy Beshear
Governor

Jeffrey Allen
Executive Director

November 07, 2024

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 8:563. Licensure of Dental Hygienists.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 8:563, the Board of Dentistry proposes the attached amendment to 201 KAR 8:563.

Sincerely,

A handwritten signature in blue ink, appearing to be "JA", written over a horizontal line.

Jeffrey Allen
Executive Director

TEAM
KENTUCKYTM

An Equal Opportunity Employer M/F/D

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Dentistry

201 KAR 8:563. Licensure of dental hygienists.

RELATES TO: KRS 304.40 - 075, 313.030, 313.040, 313.060, 313.080, 313.130, 313.254

STATUTORY AUTHORITY: KRS 313.021(1)(a), (b), (c), 313.040(1), (2), (7), 313.254

NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.040 requires the board to promulgate administrative regulations relating to requirements and procedures for the licensure of dental hygienists. This administrative regulation establishes requirements and procedures for the licensure of dental hygienists.

Section 1. General Licensure Requirements. An applicant desiring initial licensure in Kentucky as a dental hygienist shall~~[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 Hygiene 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 ~~that~~**that**which~~[that]~~ meets or exceeds the American Heart Association Guidelines for CPR and ECC~~[, incorporated by reference in 201 KAR 8:533]~~;
- (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 dental hygiene held previously or currently in any state or other licensing jurisdiction;
- (9) Hold an Associate's degree or Bachelor's degree in dental hygiene from a 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 hygiene school or college or dental hygiene department of a university]~~;
- (10) Successfully complete~~[Provide proof that the applicant has successfully completed]~~ the National Board Dental Hygiene Examination (NBDHE)~~[, 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; or
 - (b) Licensure by credentials.

Section 2. Requirements for Licensure by Clinical Examination.

(1) ~~An~~Each individual desiring initial licensure in Kentucky as a dental hygienist by clinical examination shall:

(a) ~~Complete~~complete all~~[-of the]~~ requirements~~[-established]~~ in Section 1 of this administrative regulation; ~~and~~;

(b) Successfully complete all components of one (1) of the following

~~[(2)]~~ ~~[Each individual desiring initial licensure as a dental hygienist by examination shall successfully complete a]~~ clinical examinations~~[examination]~~ within~~[-the]~~ five (5) years preceding the filing of the application~~[his or her Application for Dental Hygiene Licensure. 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);~~~~[-or]~~

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

~~6.~~ The Dental Hygiene Licensure Objective Structured Clinical Examination (DHLOSCE) of the Joint Commission on National Dental Examinations (JCNDE).

~~(2) [(3)]~~ An individual applying more than two (2) years after graduating with an Associate's degree or Bachelor's degree in dental hygiene,~~[desiring initial licensure as a dental hygienist by examination more than two (2) years after fulfilling all of the requirements of his or her CODA accredited dental hygiene education]~~ shall:

(a) Hold a license to practice dental hygiene 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 dental hygiene in good standing, complete a board approved refresher course prior to receiving a license to practice dental hygiene 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 complete~~[not be allowed to sit for the examination again until the applicant has completed and passed]~~ a remediation plan approved~~[prescribed]~~ by the board~~[-based on the applicant's deficiencies].~~

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

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

(2) 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 dental hygiene 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 dental hygiene while he or she was legally authorized to practice dental hygiene 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 Charitable Limited Dental Hygiene Licensure.

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

- (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) Submit a completed, signed, and notarized Application for Charitable~~[-Dental Hygiene]~~ Limited 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 subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;
- (e) Hold[Have] a license to practice dental hygiene in good standing in another state or territory of the United States or the District of Columbia; and
- (f) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) A charitable limited dental hygiene license holder~~[An individual licensed pursuant to this section]~~ shall:

- (a) Work only with charitable entities registered with the Cabinet for Health and Family Services that have met requirements of KRS 313.254 and 201 KAR 8:581;
- (b) Only perform procedures allowed by KRS 313.254, which shall be completed within the duration of the charitable event;
- (c) Be eligible for the provisions of medical malpractice insurance procured pursuant to KRS 304.40-075; and
- (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 good for two (2) years and expire during the regular dental hygiene 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 participate in a charitable clinic shall have a license to practice dental hygiene in the state in which the dental hygienist practices.]~~

Section 5. ~~[Minimum-]~~Continuing Education Requirements.

- (1) A Kentucky licensed dental hygienist shall complete thirty (30) hours of continuing education during the two (2) year licensure period defined by KRS 313.030(2) except **that [in the following cases]:**
 - (a) 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 (1/2) the required hours for that period;
 - (b) A licensee who graduated in the first year of the current biennial license period shall only complete one-half (1/2) the required hours for that period;
 - (c) 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) A charitable limited license holder shall not be required to complete continuing education hours;
or
 - (e) A licensee may be granted a hardship waiver or deferment if such a request is submitted to and approved by the board.~~[Each individual desiring renewal of an active dental hygiene license shall complete thirty (30) hours of continuing education that relates to or advances the practice of dental hygiene and would be useful to the licensee in his or her practice.]~~
- (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 hygiene treatment;
 - (b) Pharmaceutical~~[Knowledge of pharmaceutical]~~ products and~~[the protocol of the]~~ proper use protocols of medications;
 - (c) Awareness of currently accepted methods of infection control;
 - (d) Basic~~[Knowledge of basic]~~ medical and scientific subjects~~[including, biology, physiology, pathology, biochemistry, pharmacology, epidemiology, and public health];~~
 - (e) Clinical~~[Knowledge of clinical]~~ and technological subjects;
 - (f) Patient~~[Knowledge of subjects pertinent to patient]~~ management, safety, and oral healthcare;
 - (g) Mass~~[Competency in assisting in mass]~~ casualty or mass immunization situations;
 - (h) Clinical dental hygiene performed on a charitable or volunteer basis~~[skills through the volunteer of clinical charitable dental hygiene that meets the requirements of KRS 313.254];~~
 - (i) Business~~[Knowledge of office business]~~ operations and best practices; and~~[or]~~
 - (j) Dental~~[Participation in dental]~~ or dental hygiene association or society business meetings.
- (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; and~~[:]~~
 - (b)~~[(4)]~~ A maximum of ten (10) hours~~[total may be taken]~~ that meet the requirements of subsection (2)(h) - (j) of this section.
- ~~(4)~~~~[(5)]~~ Dental~~[For dental]~~ hygienists registered to practice under general supervision shall also meet the continuing education requirements of Section 12(8) of this administrative regulation~~[, a minimum of three (3) hours shall be taken in medical emergencies as described in Section 12(1)(d) of this administrative regulation in order to renew their registration].~~
- ~~(5)~~~~[(6)]~~ Dental~~[For dental]~~ hygienists registered to practice as public health hygienists shall also meet the continuing education requirements of Section 16(5) of this administrative regulation~~[, a minimum of three (3) hours shall be taken in medical emergencies as described in Section 15(1)(d) of this administrative regulation in order to renew their registration].~~
- ~~(6)~~~~[(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 or other verification of 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.
- ~~(7)~~~~[(8)]~~ The licensee shall be responsible for obtaining the qualifying documentation of continuing education~~[It shall be the sole responsibility of the individual dental hygienist 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.
- ~~(8)~~~~[(9)]~~ During the~~[At]~~ 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.
- ~~(9)~~~~[(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 6. ~~[Requirements for]~~ Renewal of a Dental Hygiene License.

(1) All dental **hygienist** licenses issued by the board shall expire on December 31 of **even-numbered**~~odd-numbered~~ years and must be renewed to remain active. A licensee[Each individual] desiring renewal of an active dental hygiene license shall:

- (a) Submit a completed and~~[,]~~ signed Application for Renewal of Dental Hygiene Licensure;
- (b) Pay the fee required by 201 KAR 8:520;
- (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~~[, incorporated by reference in 201 KAR 8:533, unless a hardship waiver is submitted to and subsequently approved by the board];~~ and
- (d) Meet the continuing education requirements as established in Section 5 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 established in Section 5 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 established in Section 5 of this administrative regulation].~~

(2) A~~[If a]~~ licensee who has not actively practiced dental hygiene 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 dental hygiene.

(3) A licensee desiring renewal of a charitable limited dental hygiene license shall repeat the initial licensure process required by Section 4 of this administrative regulation.

Section 7. Retirement of a Dental Hygiene License.

(1) A licensee~~[Each individual]~~ desiring to no longer hold an active dental hygiene license~~[retirement of a dental hygiene license]~~ shall submit a completed and signed Retirement of License Form~~[, incorporated by reference in 201 KAR 8:533]~~.

(2) Upon receipt of this form~~[Retirement of License Form]~~, the board shall send written confirmation of retirement to the~~[last known]~~ address provided~~[of the licensee]~~.

(3) A licensee shall not retire a license that has pending disciplinary action against it.

(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 8. Reinstatement of a Dental Hygiene License.

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

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

(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~~[, incorporated by reference in 201 KAR 8:533];~~

(d) Provide verification~~[within three (3) months of the date the Application to Reinstate a Dental Hygiene License is received at the office of the board]~~ of any license to practice dental hygiene

obtained~~[held previously or currently]~~ in any state or other licensing jurisdiction since the applicant was first licensed in Kentucky;

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

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

~~(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 established in Section 5 of this administrative regulation within those two (2) years.]~~

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

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

(a) The expired license reinstatement **fee established**~~[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 established in Section 5 of this administrative regulation prior to the renewal of his or her 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 established in Section 5 of this administrative regulation prior to the renewal of his or her license.]~~

Section 9. ~~[Requirements for]~~ Verification of Licensure. An~~[Each]~~ individual desiring an official verification of a dental hygiene license held currently or previously in Kentucky shall:

(1) Submit a signed and completed Verification of Licensure or Registration Form~~[-incorporated by reference in 201 KAR 8:533]; and~~

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

Section 10. ~~[Requesting a Duplicate License. Each individual desiring a duplicate dental hygiene license shall:]~~

~~[(1)]~~ ~~[Submit a signed and completed Duplicate License or Registration Request Form, incorporated by reference in 201 KAR 8:533; and]~~

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

~~[Section 11.]~~ Requirements for Local Anesthesia Registration.

(1) ~~A~~~~[An individual]~~ licensed~~[as a]~~ dental hygienist~~[in Kentucky and not subject to disciplinary action]~~ who desires to administer infiltration or block~~[local]~~ anesthesia shall:

(a) Submit a signed and completed~~[Complete the]~~ Application for Dental Hygiene Special Registrations;

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

(c) Complete an educational program from a dental or dental hygiene school accredited by the Commission on Dental Accreditation (CODA) that~~[Document successful completion of an educational program which]~~ meets or exceeds the requirements established in KRS 313.060(10).

(2) Upon authorizing a licensee~~[Individuals authorized]~~ to practice pursuant to this section, the board shall issue an updated dental hygiene license~~[provision shall receive a license from the board]~~ indicating registration to administer local anesthesia.

(3) A ~~[licensed]~~ dental hygienist shall not administer local anesthesia in Kentucky unless~~[if]~~ the licensee:

(a) Holds a current board-issued registration in~~[does not hold a]~~ local anesthesia~~[registration issued by the board.]; and~~

(b) Performs these procedures under the direct supervision of a dentist.

(4) A licensed dental hygienist holding a local anesthesia registration from the board who has not administered block or~~[anesthesia,]~~ infiltration anesthesia~~[, or nitrous oxide analgesia]~~ for one (1) year shall complete a board-approved refresher course prior to resuming practice of that specific technique.

Section 11.~~[Section 12.]~~ Requirements for General Supervision Registration.

(1) A~~[An individual]~~ licensed~~[as a]~~ dental hygienist~~[in Kentucky and not subject to disciplinary action]~~ who desires to practice under general supervision shall:

(a) Submit a signed and completed~~[Complete the]~~ Application for Dental Hygiene Special Registrations;

(b) Obtain at least two (2) years and 3,000 hours of verifiable experience in the practice of dental hygiene~~[Meet the requirements of KRS 313.040(7)(a)]; and~~

(c) Complete~~[Document through payroll records, employment records, or other proof that is independently verifiable, the dates and hours of employment by a dentist in the practice of dental hygiene that demonstrate the required two (2) years and 3,000 hours of experience; and]~~

~~[(d)] [During each biennial license period, successfully complete] a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies[that shall include, at a minimum, the following topics:]~~

~~[1.] [Medical history, including American Society of Anesthesiologists (ASA) classifications of physical status;]~~

~~[2.] [Recognition of common medical emergency situations, symptoms, and possible outcomes;]~~

~~[3.] [Office emergency protocols; and]~~

~~[4.] [Prevention of emergency situations during dental treatments].~~

(2) Upon authorizing a licensee~~[An individual authorized]~~ to practice pursuant to this section, the board shall issue an updated dental hygiene license~~[these provisions shall receive a license from the board]~~ indicating registration ~~[to practice]~~ under general supervision.

(3) A dentist who employs a dental hygienist who has met the standards of this administrative regulation and who allows the dental hygienist to provide dental hygiene services pursuant to KRS 313.040(7) shall complete a written order specifying~~[prescribing]~~ the dental service or procedure to be performed on~~[done to]~~ a specific patient by the dental hygienist and shall retain the original order in the patient's dental record.

(4) The minimum requirements for the written order shall include:

(a) Medical history update;

(b) Radiographic records requested;

(c) Dental hygiene procedures requested;

(d) Name of the patient;

(e) Date of last oral examination;

(f) Date of the written order; and

(g) Signature of the dentist.

(5) The oral examination of the patient by the supervising dentist shall have been completed within the seven (7) months preceding treatment by the dental hygienist practicing under general supervision.

(6) The supervising dentist shall evaluate and provide to the board written validation of an employed dental hygienist's skills necessary to perform dental hygiene services established in KRS 313.040(7) as part of the Application for Dental Hygiene Special Registrations.

(7) The supervising dentist shall provide a written protocol addressing the medically compromised patients who may or may not be treated by the dental hygienist. The dental hygienist shall only treat patients who are in the ASA Patient Physical Status Classification of ASA I or ASA II as established in Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, as incorporated by reference in 201 KAR 8:550.

(8) During each biennial license period, a dental hygienist registered in general supervision shall/must/ complete a live three (3) hour course **approved by the board** in the identification and prevention of potential medical emergencies to maintain registration upon license renewal. These hours may be included in the thirty (30) overall continuing education hours required for license renewal.

(9) A [licensed-]dental hygienist shall not practice under general supervision unless/[if] the licensee[does not/does not] holds/[Hold] a current board-issued general supervision registration[issued by the board].

Section 12.~~[Section 13.]~~ Requirements for Intravenous Access Line Registration.

(1) ~~A [An individual] licensed[-as-a] dental hygienist[-in Kentucky and not subject to disciplinary action] who desires to start intravenous (IV) access lines shall:~~

- (a) Submit a signed and completed Application for Dental Hygiene Special Registrations;
- (b) Pay the fee required by 201 KAR 8:520; and
- (c) ~~Complete[Submit documentation proving successful completion of]~~ a board-approved course in starting IV access lines.

~~(2) Upon authorizing a licensee[An individual authorized] to practice pursuant to this section, the board shall issue an updated dental hygiene license[provision shall receive a license from the board] indicating registration to start IV access lines.~~

~~(3) A [licensed-]dental hygienist shall not start[-an] IV access lines/[line] in Kentucky unless/[if] the licensee[does not]:~~

- (a) ~~Holds/[Hold] a current board-issued registration to start IV access lines; and[or]~~
- (b) ~~Works/[Work] under the direct supervision of a dentist who holds either a Moderate Sedation Permit or Deep Sedation and General Anesthesia Permit issued pursuant to 201 KAR 8:550[a sedation or anesthesia permit issued by the board].~~

Section 13.~~[Section 14.]~~ Requirements for Laser Debridement Registration.

~~(1) A [An individual] licensed[-as-a] dental hygienist[-in Kentucky and not subject to disciplinary action] who desires to perform laser debridement shall:~~

- (a) Submit a signed and completed Application for Dental Hygiene Special Registrations;
- (b) Pay the fee required by 201 KAR 8:520; and
- (c) ~~Complete[Submit documentation proving successful completion of]~~ a board-approved course in performing laser debridement.

~~(2) Upon authorizing a licensee[An individual authorized] to practice pursuant to this section, the board shall issue an updated dental hygiene license[provision shall receive a license from the board] indicating registration to perform laser debridement.~~

~~(3) A [licensed-]dental hygienist shall not perform laser debridement in Kentucky unless/[if] the licensee[does not]:~~

- (a) ~~Holds/[Hold] a current board-issued registration to perform laser debridement; and[or]~~

(b) ~~Works~~Work under the direct supervision of a dentist.

Section 14.~~[Section 15.]~~ Requirements for Public Health Registration.

(1) ~~A~~An individual licensed~~[as a]~~ dental hygienist~~[in Kentucky and not subject to disciplinary action]~~ who desires to practice as a public health registered dental hygienist shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations~~[Registration]~~;

(b) Obtain at least two (2) years and 3,000 hours of verifiable experience in the practice of dental hygiene; and~~[Meet the requirements established in KRS 313.040(8);]~~

(c) ~~[Document through payroll records, employment records, or other proof that is independently verifiable, the dates and hours of employment by a dentist in the practice of dental hygiene that demonstrate the required two (2) years and 3,000 hours of experience; and]~~

~~[(d)] [During each biennial license period, successfully.]~~ Complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies~~[that shall include, at a minimum, the following topics:]~~

~~[1.] [Medical history, including American Society of Anesthesiologists (ASA) classifications of physical status;]~~

~~[2.] [Recognition of common medical emergency situations, symptoms, and possible outcomes;]~~

~~[3.] [Office emergency protocols; and]~~

~~[4.] [Prevention of emergency situations during dental treatments; and]~~

~~[(e)] [During each biennial license period, complete at least three (3) hours of continuing education in public health or public dental health].~~

(2) Upon authorizing a licensee~~[An individual authorized]~~ to practice pursuant to this section, the board shall issue an updated dental hygiene license~~[subsection (1) of this section shall receive a certificate from the board]~~ indicating registration to practice as a public health registered dental hygienist.

(3) Pursuant to KRS 313.040(8)(c), a public health registered dental hygienist may practice in a government-created public health program at the following sites:

(a) Local health departments;

(b) Public or private educational institutions that provide Head Start, preschool, elementary and secondary instruction to school-aged children under the jurisdiction of the State Board of Education, and that have an affiliation agreement with the health department of jurisdiction;

(c) Mobile and portable dental health programs under contract with a governing board of health; and

(d) Public or private institutions under the jurisdiction of a federal, state, or local agency.

(4) A public health registered dental hygienist shall perform dental hygiene services only under the authority~~[supervision]~~ of the governing board of health, as required by KRS 313.040(3)(b), as established in KRS 313.040(8), and as identified by the Department for Public Health Practice Reference.

(a) These services shall be limited to:

1. Preventative~~[preventative]~~ services; and

2. **The** application of silver diamine fluoride **if/when** the supervising dentist has authorized **the/such** treatment and provided written protocols for each patient.

(b) The public health registered dental hygienist shall only treat a patient who is in the ASA Patient Physical Status Classification of ASA I or ASA II as established in the current edition of Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, as incorporated by reference in 201 KAR 8:550.

(c) The informed consent shall be required prior to **providing the services referenced in paragraph (a) of this subsection**~~[preventative services]~~ and shall include:

1. The name of the public health entity, including the name of the dentist, that assumes responsibility and control;
2. An inquiry as to the current dentist; and
3. A statement that services are provided by a dental hygienist without the direct supervision of a dentist.

(d) This administrative regulation shall not preclude a Kentucky-licensed dentist from directly participating in a public health program referenced in subsection (3)[~~(a), (b), (c), or (d)~~] of this section.

(5)(a) During each biennial license period, a dental hygienist registered in public health dental hygiene shall[~~must~~] complete the following to maintain registration upon license renewal:

1.[~~(a)~~] Three (3) hours of continuing education in public health or public dental health; and

2.[~~(b)~~] Three (3) hours of continuing education in the identification and prevention of potential medical emergencies.

(b) The[~~(c) These~~] hours of continuing education required by paragraph (a) of this subsection may be included in the thirty (30) overall continuing education hours required for license renewal.

Section 15.[Section 16.] Issuance of Initial Licensure. Upon an applicant's completion of all[~~if an applicant has completed the~~] requirements for dental hygiene licensure, within six (6) months of the date the application was received, 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 16.[Section 17.] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Charitable Limited Licensure", January 2024;[~~"Application for Charitable Dental Hygiene Limited Licensure", May 2023;~~]

(b) "Application for Dental Hygiene Licensure", September 2024;[~~"Application for Dental Hygiene Licensure", May 2023;~~]

(c) "Application for Dental Hygiene Special Registrations", September 2024[~~"Application for Dental Hygiene Special Registrations", February 2023;~~]

(d) "Application for Renewal of Dental Hygiene Licensure", September 2024;[~~"Application for Renewal of Dental Hygiene Licensure", May 2023; and~~]

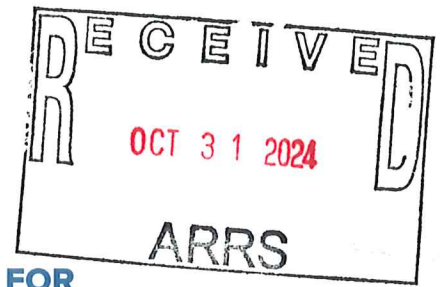
(e) "Application to Reinstate [~~a-~~]Dental or Dental Hygiene Licensure[License]", January 2024;[~~May 2023.~~]

(f) "Retirement of License Form", January 2024;

(g) "Verification of Licensure or Registration Form", January 2024; and

(h) "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>.



**KENTUCKY STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

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EXECUTIVE DIRECTOR

October 31, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
Administrative Regulations Review Subcommittee
Legislative Research Commission
083, Capitol Annex
702 Capital Avenue
Frankfort, Kentucky 40601

Re: *201 KAR 18:010. Classes of applicants for licensure for professional engineering and land surveying.*
201 KAR 18:030. Engineer in training and land surveyor in training certificates.
201 KAR 18:192. Continuing professional development for professional land surveyors.
201 KAR 18:196. Continuing professional development for professional engineers.

Dear Co-Chairs West and Lewis:

After discussion with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 18:010, 201 KAR 18:030, 201 KAR 18:192, and 201 KAR 18:196, the State Board of Licensure for Professional Engineers and Land Surveyors proposes the attached suggested substitutes to 201 KAR 18:010, 201 KAR 18:030, 201 KAR 18:192, and 201 KAR 18:196.

Very truly yours,

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Attachments

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SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Licensure for Professional Engineers and Land Surveyors

201 KAR 18:010. Classes of applicants for licensure for professional engineering and land surveying.

RELATES TO: KRS 322.010, 322.040, 322.045, 322.120

STATUTORY AUTHORITY: KRS 322.040, 322.045, 322.120, 322.290(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(4) requires the board to promulgate administrative regulations governing professional engineers and land surveyors~~[322.040 and 322.045 establish]~~^[establishes]~~[the criteria for credentialing persons under the jurisdiction of the board. KRS 322.120 establishes the requirements for licensure by endorsement]~~^[reciprocity]. This administrative regulation establishes the classes of applicants for professional engineer^[engineers] and professional land surveyor licensure^[surveyors] for convenience in discussing and processing applications for licensure^[licenses], certification, and examination.

Section 1. Classes of Applicants.

~~[(4)]~~ For convenience in discussing and processing applications for licensure^[licenses], certification, and examinations, there ~~**shall be**~~^{**are hereby established the following**} four (4) classes of applicants ~~**as established in subsections (1) through (4) of this section.**~~^{**as established in subsections (1) through (4) of this section.**}~~[:]~~^[:]

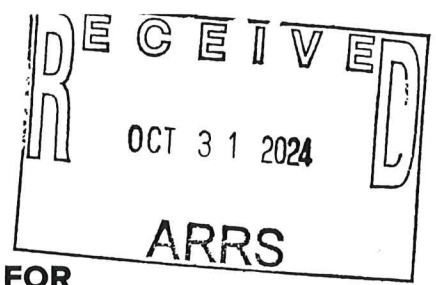
~~(1)~~⁽²⁾ Professional engineer. This class ~~**shall include**~~^{**includes**} those applying for an engineering license^[licenses] pursuant to KRS 322.040(1) and~~[:]~~^[:] ~~(2)~~ ~~and~~ ~~(4)~~ or 322.120.

~~(2)~~⁽³⁾ Engineer in training~~[Engineer in training]~~. This class ~~**shall include**~~^{**includes**} those applying for certification as an engineer in training^[engineers in training] pursuant to 201 KAR 18:030.

~~(3)~~⁽⁴⁾ Professional land surveyor. This class ~~**shall include**~~^{**includes**} those applying for a land surveying license pursuant to KRS 322.045(1)~~[322.040(3) and (4)]~~ or 322.120.

~~(4)~~⁽⁵⁾ Land surveyor in training^[surveyor in training]. This class ~~**shall include**~~^{**includes**} those applying for certification as a land surveyor in training^[surveyors in training] pursuant to 201 KAR 18:030.

CONTACT PERSON: Kyle L. Elliott, Executive Director, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive Frankfort, Kentucky 40601, phone (502) 573-2680, fax (502) 573-6687, email kyle.elliott@ky.gov.



**KENTUCKY STATE BOARD OF LICENSURE FOR
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October 31, 2024

Senator Stephen West, Co-Chair
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Administrative Regulations Review Subcommittee
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702 Capital Avenue
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Re: *201 KAR 18:010. Classes of applicants for licensure for professional engineering and land surveying.*
201 KAR 18:030. Engineer in training and land surveyor in training certificates.
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Dear Co-Chairs West and Lewis:

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Very truly yours,

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SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Licensure for Professional Engineers and Land Surveyors

201 KAR 18:030. Engineer in training and land surveyor in training~~[In-training]~~ certificates.

RELATES TO: KRS 322.010, 322.040, 322.045~~[-322.047]~~, 322.120

STATUTORY AUTHORITY: KRS ~~[322.010,]~~322.040, 322.045~~[-322.047]~~, 322.120, 322.290(4)

NECESSITY, FUNCTION, AND CONFORMITY: ~~[KRS 322.010 defines engineer in training and land surveyor in training.]~~KRS 322.290(4) **requires**~~[provides]~~ the board ~~[with the authority]~~ to promulgate administrative regulations **governing professional engineers and land surveyors**~~[necessary to perform its duties]~~. This administrative regulation **establishes**~~[outlines]~~ the requirements for the testing of basic sciences and fundamentals of engineering and land surveying for the application for engineer in training and land surveyor in training certificates~~[under the certification program for in-training engineers and land surveyors under which the board has provided for early testing of basic sciences and fundamentals of engineering and land surveying]~~.

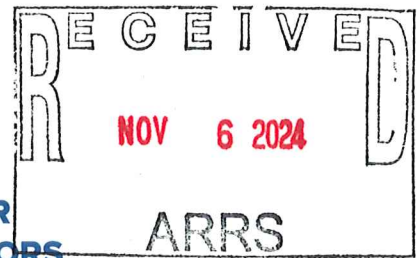
Section 1. Examinations are offered in the fundamentals of engineering (FE) and fundamentals of ~~[and]~~ surveying (FS)~~[(FLS)]~~ provided by the National Council of Examiners for Engineering~~[Engineers]~~ and Surveying~~[Land Surveyors]~~.

Section 2. Pursuant to KRS 322.040 and 322.045, the final year shall begin upon completion of at least 105 semester credit hours in the program.

Section 3. The executive director **shall approve or disapprove, based on the criteria established in Section 4 of this administrative regulation,**~~[is authorized to approve]~~ applications for the FE and FS examinations, and for engineer in training and land surveyor in training certificates.~~[A qualified applicant who passes the examination shall be issued a certificate of recognition as engineer in training or land surveyor in training. The certificate shall be valid indefinitely with no renewal fees.]~~

Section 4. A qualified individual who passes the examination and applies to the board shall be issued an engineer in training or land surveyor in training certificate. The certificate shall be valid indefinitely with no renewal fees.~~[The executive director is authorized to approve applications for the FE and FLS examinations.]~~

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**KENTUCKY STATE BOARD OF LICENSURE FOR
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November 6, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
Administrative Regulations Review Subcommittee
Legislative Research Commission
083, Capitol Annex
702 Capital Avenue
Frankfort, Kentucky 40601

Re: 201 KAR 18:115. *Licensure reinstatement for professional engineers and land surveyors.*

Dear Co-Chairs West and Lewis:

After discussion with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 18:115, the State Board of Licensure for Professional Engineers and Land Surveyors proposes the attached suggested substitute to 201 KAR 18:115.

Very truly yours,

JAKE R. MILLER
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Attachment

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SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Licensure for Professional Engineers and Land Surveyors

201 KAR 18:115. License reinstatement for professional engineers and land surveyors.

RELATES TO: KRS 322.040-322.050, **322.120**, 322.160, 322.180, 322.220

STATUTORY AUTHORITY: KRS 322.160(3)(a), 322.220, 322.290(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(4) ~~requires~~**authorizes** the board to promulgate administrative regulations necessary for the proper performance of its duties. KRS 322.160(3)(a) requires a licensee or permit holder who fails to renew within one (1) year after expiration to ~~submit to~~**furnish** the board ~~[with]~~satisfactory evidence of qualification of continued practice. ~~[KRS 322.220 provides for an individual whose license has been revoked to petition the board for reissue. KRS 322.180 sets out grounds for denial of]~~**[f]**~~[licensure.]~~This administrative regulation establishes the requirements for license reinstatement **for professional engineers and land surveyors.**

Section 1. General Requirements.

- (1) A person whose license has been in retired status, inactive status, or expired for more than one (1) year, or a person whose license has been revoked or surrendered in association with a disciplinary investigation or proceeding~~[preceding]~~ shall apply for reinstatement with~~[to]~~ the board ~~[for reinstatement]~~by submitting evidence of successful completion of one (1) or more of the following:
 - (a) Retaking and passing the licensure examination;
 - (b) College courses related to engineering or surveying;
 - (c) Continuing education courses related to engineering or surveying;
 - (d) Work experience under another licensee; or
 - (e) Licensed practice in another jurisdiction.
- (2) The application for reinstatement shall be on the appropriate application form incorporated by reference in 201 KAR 18:020,~~[Section 2,]~~ and shall include:
 - (a) An affidavit indicating whether or not the applicant has practiced engineering or land surveying in the Commonwealth of Kentucky since the expiration, inactivation, retirement, revocation, or surrender of the applicant's license; and
 - (b) Evidence~~[A listing of the specific evidence]~~ that the applicant is qualified to continue to practice pursuant to subsection (1) of this section.
- (3) The applicant shall meet the requirements of KRS 322.050.
- (4) In ~~determining~~~~[its determination of]~~ the applicant's fitness for reinstatement, the board **shall**~~[may]~~ consider the number of times the applicant has allowed his or her license to expire, as well as the length of time in the aggregate that the applicant has been unlicensed following the applicant's initial licensure.
- (5) A professional land surveyor applicant shall meet the continuing professional development requirements of 201 KAR 18:192, Section 6~~[7]~~.
- (6) A professional engineer applicant shall meet the continuing professional development requirements of 201 KAR 18:196, Section 6~~[7]~~.
- (7) An applicant for reinstatement shall fully cooperate ~~[fully]~~**[with the board]** by providing **the board** any ~~[legal request for]~~relevant information or documentation within his or her knowledge, possession, custody, or control~~[by the board]~~.

(8) In an application for reinstatement, including any appearance before the board, and in any statement made to the board or to any representative of the board, an applicant shall not:

- (a) Knowingly make a false statement of material fact;
- (b) Fail to disclose a fact necessary to correct a misapprehension known by the applicant to have arisen in the matter; or
- (c) Knowingly fail to respond or produce relevant information or documentation requested by the board~~[to a lawful demand for information from the board]~~.

Section 2. Expiration of License.

(1) If the applicant's license has been in retired status, inactive status, or expired for three (3) years or less, or if the applicant has a valid license in another jurisdiction, the executive director ~~shall~~**[may]** approve or ~~disapprove~~**[reject]** the~~[that]~~ application **based upon the requirements of KRS 322.040, 322.045, 322.050, and 322.120.**

(2) If the applicant's license has been in retired status, inactive status, or expired for more than three (3) years and the applicant does not possess a valid license in another jurisdiction, the application for reinstatement shall be considered by the board.

Section 3. Revocation of License.

(1) Pursuant to KRS 322.220, a person whose license has been revoked may petition the board for reinstatement of that license.

(2) An applicant whose surrender of license was associated with a disciplinary investigation or proceeding shall be considered under this section.

(3) The applicant shall comply with the requirements of Section 1 of this administrative regulation. In addition, the applicant shall provide evidence that the applicant:

- (a) Has complied with **all previous terms of any consent decrees or orders of the board, or with any previous orders of suspension or revocation**~~[any terms prescribed by the board]~~; and
- (b) Is no longer a risk to the public health, safety, **or**~~[and]~~ welfare.

(4) An applicant for reinstatement under this section shall:

- (a) Be held to a substantially more rigorous standard than a **first-time**~~[first-time]~~ applicant for initial licensure as a professional engineer or land surveyor; and
- (b) Have the burden of proving by a preponderance of evidence that the applicant possesses the professional and ethical qualifications, and good character and reputation, as required by KRS 322.040 through 322.050 and 201 KAR 18:142, for reinstatement of a license to practice engineering or land surveying, as appropriate.

(5) To evaluate an applicant's petition for reinstatement, the board shall consider~~[the following]~~:

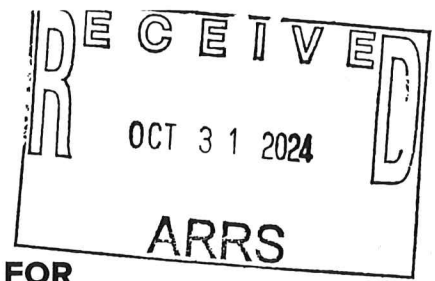
- (a) The applicant's compliance with all previous terms of any consent decrees **or orders of the board**, or with any previous orders of suspension or revocation;
- (b) The applicant's conduct while under a prior suspension, or while unlicensed, that shows that the applicant is worthy of the trust and confidence of the public;
- (c) The sufficiency of the applicant's present professional capabilities to serve the public as a licensed engineer or land surveyor, **including**~~[considering]~~:
 1. The length of time elapsed since the applicant's license was revoked~~[revocation]~~ or surrendered~~[surrender of license]~~; and
 2. The type, duration, and extent of educational courses and employment that the applicant has undertaken during the period the applicant was unlicensed;
- (d) The understanding and appreciation by the applicant of the wrongfulness of any prior misconduct;

- (e) The nature and degree, as well as the success of, any efforts made by the applicant to rehabilitate himself or herself from past professional or ethical failings;
 - (f) The applicant's previous and present conduct and attitude toward compliance with the requirements of the regulatory scheme governing the practice of engineering or land surveying, as appropriate;
 - (g) The applicant's candor in dealing with the board;
 - (h) Any act or omission by the applicant occurring while unlicensed, that would have violated any **requirement of KRS Chapter 322 or 201 KAR Chapter 18**~~[part of the statutes or regulations governing the profession of engineering or land surveying]~~, as appropriate, if it had occurred while the applicant was licensed; and
 - (i) Any other information relevant to determining whether **or not** the applicant has satisfied the requirements of KRS 322.220.
- (6) Failure to meet any of the criteria to be considered in the evaluation of applicant's petition **shall be grounds**~~[may constitute a sufficient basis]~~ for denial of an applicant's petition.

Section 4. Reconsideration.

- (1) If an application for reinstatement is **disapproved**~~[not approved]~~, the applicant shall be given [every]~~[reasonable]~~ opportunity to secure reconsideration.
- (2) If an application for reinstatement is **disapproved**~~[not approved]~~ by the executive director pursuant to **Section 2(1)**~~[paragraph (1) of Section 2]~~ of this administrative regulation, the applicant may request reconsideration by the board. **To request reconsideration, an applicant shall file**~~[by filing]~~ a written request for reconsideration with the board within thirty (30) calendar days after the date upon which the applicant is sent notice that the application for reinstatement was **disapproved**~~[not approved]~~ by the board's executive director.
- (3) If an application **for reinstatement is denied**~~[is not approved]~~ by the board **pursuant to Section 2(2) of this administrative regulation, Section 3 of this administrative regulation, or subsection (2) of this section**, the applicant may request a hearing~~[in accordance with the provisions of KRS Chapter 13B by filing a written request for an administrative hearing with the board within thirty (30) calendar days after the date upon which the application for reinstatement was denied. The request shall identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous]~~.
 - (a) To request a hearing, the applicant shall file a request for an administrative hearing with the board within thirty (30) calendar days after the date upon which the application for reinstatement was denied.**
 - (b) The request for an administrative hearing shall:**
 - 1. Be signed and dated by the applicant; and**
 - 2. In numerical paragraphs, identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.**
 - (c) The hearing process shall be in accordance with the provisions of KRS Chapter 13B.**

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Re: *201 KAR 18:010. Classes of applicants for licensure for professional engineering and land surveying.*
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BOARDS AND COMMISSIONS

Board of Licensure for Professional Engineers and Land Surveyors

201 KAR 18:192. Continuing professional development for professional land surveyors.

RELATES TO: KRS 322.180(3), 322.190, ~~[322.270,]~~322.290(15)

STATUTORY AUTHORITY: KRS 322.290(4), (15)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(4) and (15) ~~require~~~~[(15) requires]~~ the board to ~~promulgate administrative regulations to establish~~~~[adopt]~~ a program of continuing education for professional land surveyors. This administrative regulation ~~establishes requirements for~~~~[implements]~~ the continuing professional development program mandated by KRS 322.290(15) for professional land surveyors.

Section 1. Definitions.

(1) "Calendar year" means a ~~one (1) year~~~~[one-year]~~ period of time beginning on January 1 and ending on December 31.~~["Completion" means the professional land surveyor has satisfactorily met specific requirements of an offering by taking and passing a university course or attending a seminar.]~~

(2) "Contact hour" means a minimum of fifty (50) minutes of instruction or presentation.

~~(3)~~~~[(2)]~~ "Continuing professional development" or "CPD" means participation in activities, beyond the basic educational requirements, that:

(a) Provide specific content planned and evaluated to improve the professional land surveyor's ~~[professional]~~competence;

(b) Encourage acquisition of new skills and knowledge required to maintain competence;

(c) Strengthen the professional land surveyor's critical inquiry and balanced judgment;

(d) Raise the ethical standards within the professional community; and

(e) Meet the requirements established by this administrative regulation.

(4) "Dual Licensee" means a person licensed as both a professional land surveyor and a professional engineer.

~~(5)~~~~[(3)]~~ "Licensee" means a person licensed as a professional land surveyor.~~["CPDC" means the Continuing Professional Development Committee.]~~

~~(6)~~~~[(4)]~~ "Professional development hour" or "PDH" means one (1) nominal contact hour~~[not less than fifty (50) minutes]~~ of instruction or presentation that meets the requirements of this administrative regulation.

~~(7)~~~~[(5)]~~ "Provider" means a person, school, association, company, corporation, or group who has developed a CPD activity and participates directly in the presentation.

~~(8)~~~~[(6)]~~ "Reporting period" means the two (2) calendar years preceding the June 30 deadline for renewal of license.~~["Sponsor" means a group, organization, or professional society, offering activities by providers.]~~

(9) "Surveying Committee" means the Surveying Committee of the State Board of Licensure for Professional Engineers and Land Surveyors.

~~[Section 2.] [Continuing Professional Development Committee.]~~

~~[(1)] [The chair of the State Board of Licensure for Professional Engineers and Land Surveyors shall appoint a Continuing Professional Development Committee and name its chair.]~~

~~[(2)] [The CPDC shall consist of five (5) board of licensure members of which at least three (3) are professional land surveyors.]~~

~~[(3)] [Work of the CPDC shall be considered work of the board, and compensation shall be given as provided by KRS 322.270.]~~

~~[(4)] [The CPDC shall hold regular meetings, and a record of its action shall be maintained.]~~

~~[(5)] [The CPDC may rule on all matters concerning continuing professional development for professional land surveyors.]~~

~~[(a)] [In order to be binding, a decision of the CPDC shall be ratified by the board.]~~

~~[(b)] [A licensee who disagrees with a decision of the CPDC may direct his or her concerns to the board for consideration at a subsequent meeting of the board.]~~

Section 2.~~[Section 3.]~~ Program Structure.

(1) Except as ***established***~~***provided***~~ ~~in~~~~[by]~~ Section 5~~[6(1) and (2)]~~ of this administrative regulation~~[and subsection (3) of this section]~~, a licensee~~[professional land surveyor]~~ shall complete ~~[and report to the board a minimum of eight (8) professional development hours for each calendar year, for a total of]~~ a minimum of sixteen (16) PDH units~~[professional development hours for]~~ each reporting period.

(2) The requirement for continuing professional development ~~[hours]~~ shall include a four (4) PDH~~[hour]~~ course, pre-approved by the Surveying Committee ***based on the criteria established in Section 9 of this administrative regulation***~~[CPDC]~~, in standards of practice for professional land surveyors, professional ethics, and the code of professional practice and conduct, taken once every four (4) years. This~~[In the year that this]~~ course ~~[is taken, it]~~ shall count as four (4) of the required sixteen (16) PDH for the reporting period in which it is taken~~[eight (8) hours]~~.

(3) If a licensee exceeds the requirement, a~~[A]~~ maximum of eight (8) PDH units~~[four (4) hours in excess of the sixteen (16) professional development hours required to be earned in a reporting period]~~ may be carried forward to the next reporting period.

(4) PDH units earned by a dual licensee under this administrative regulation may also be used to meet the professional engineer requirements under 201 KAR 18:196 if the PDH units also meet the requirements of 201 KAR 18:196.

~~(5)~~~~[(4)]~~ Failure to earn the required PDH units~~[sixteen (16) professional development hours per reporting period]~~ shall constitute unprofessional conduct~~[make the licensee ineligible for licensure renewal]~~.

Section 3.~~[Section 4.]~~ Criteria for Professional Development.

(1) Continuing professional development activities applicable to the renewal of the license shall be directly related to the professional growth and development of the professional land surveyor.

~~(2)~~~~[(1)]~~ PDH units~~[Professional development hours]~~ may be earned upon~~[by]~~ successful completion of ***the following activities***~~]:~~

(a) College or university courses;

(b) Continuing education courses~~[Seminars];~~

(c) Short courses, tutorials, webinars, and distance-education courses offered as face-to-face programs, live internet-based programs, archived prerecorded programs, or archived correspondence programs~~[Tutorials];~~

(d) Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions~~[In-house programs sponsored by corporations or other organizations];~~

~~(e)~~ ~~[Correspondence courses;]~~

~~[(f)]~~ ~~[Televised or videotaped courses;]~~

~~[(g)]~~ ~~[Distance learning courses;]~~

~~(h)~~ Teaching or instructing ~~activities~~~~[courses, programs, or items]~~ ***established***~~[specified]~~ in paragraphs (a) through ~~(d)~~~~(e)~~ of this subsection; ~~;~~

~~(1.) [This credit may be claimed at twice the number of hours permitted participants.]~~

~~(2.) [The credit shall not be claimed more than once for teaching or instructing the same or substantially similar course, program, or item;]~~

~~(i)~~ ~~[Making or attending approved presentations at technical or professional meetings; or]~~

~~(f)~~~~(j)~~ Authoring published~~[Publication of]~~ papers, articles, ~~[or]~~ books, or accepted licensing examination items related to the practice of land surveying; ~~or~~ ~~;~~

(g) Active participation in professional or technical societies as authorized in subsection (5)(g) of this section.

~~(3)~~~~(2)~~ To qualify for credit, activities~~[Activities]~~ ***established***~~[described]~~ in ~~subsections~~~~[subsection]~~ (1) and (2) of this section shall:

(a) Be relevant to the practice of land surveying;

(b) Contain technical, ethical, or managerial subjects;

(c) Be an organized program of learning;

(d) Be conducted by individuals with education, training, or expertise; and

~~(e)~~ ~~[Be offered for the number of professional development hours recommended by the program author, subject to review and acceptance or adjustment by the CPDC; and]~~

~~(e)~~~~(f)~~ Not include:

1. In-service training;

2. Orientation to specific institutional policies and practices; or

3. Time used to sell or advertise a product; ~~or~~ ~~;~~

4. Self-study.

~~(4)~~~~(3)~~ CPD activities shall ***be credited***~~[earn credit]~~ only if substantially different from a course for which credit was claimed or granted in the current reporting period~~[calendar year or previous two (2) calendar years]~~.

~~(5)~~~~(4)~~ PDH units~~[Professional development hours]~~ shall be converted as ***established in paragraphs (a) through (g) of this subsection***~~[follows:]~~~~[established in paragraphs (a) through (c) of this subsection.]~~

(a) Credit for college or university courses shall be based upon course credit established by the college or university.

1.~~(a)~~ One (1) university semester hour shall equal forty-five (45) PDH units~~[fifteen (15) professional development hours]~~.

2.~~(b)~~ One (1) university quarter hour shall equal thirty (30) PDH units~~[ten (10) professional development hours]~~.

~~(b)~~~~(c)~~ One (1) continuing education unit shall equal ten (10) PDH units~~[professional development hours]~~.

(c) One (1) nominal contact hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences shall equal one (1) PDH unit. The total number of hours allowed for an activity shall not~~[cannot]~~ exceed the actual number of clock hours.

(d) Credit for correspondence, televised, videotaped, distance learning, and other short courses or tutorials shall be the equivalent PDH units recommended by the program author~~[subject to board review]~~.

(e) For teaching an activity **established in subsection (2)(a) through (d) of this section**[described in paragraphs (a) through (d) of Section 3(2)], multiply the number of PDH units earned by participants for that activity by two (2). Teaching credit shall only be valid for the first time the activity is taught.

(f) Each published paper, article, or book shall equal ten (10) PDH units.

(g) Active participation in a professional or technical society shall equal two (2) PDH units for each organization.

1. Credit for active participation in professional or technical societies shall require that the licensee serve as an officer or committee chair of the organization.

2. PDH units shall not be earned until the end of each year of service is completed.

Section 4. Recordkeeping.

(1) The licensee shall be responsible for maintaining records used to support PDH units claimed.

(2) Records required include:

(a) A log showing the date of the activity, provider, location, activity title, description, presenter's name, and PDH units earned; and

(b) Attendance certification records in the form of completion certificates or other documents supporting evidence of attendance.

~~[[Section 5.] [Approval of a Continuing Professional Development Activity. Activity approvals may be granted for sponsors, providers, or individual professional land surveyors.]~~

~~[(1)] [Approval of activities shall be valid for a specified approval period or until alteration of the activity is approved by the CPDC.]~~

~~[(2)] [Failure to notify the CPDC of a change in an activity, including a change in the instructor, may render approval of the activity null and void.]~~

~~[(3)] [Prior to approval, an activity shall not be advertised as approved for Kentucky professional land surveyors but may be advertised that the activity has been "submitted for consideration."]~~

~~[(4)] [If prior or post approval is desired, a written request for approval of the activity shall be submitted to and received by the CPDC on the Continuing Professional Development Course Approval Form at least forty-five (45) days prior to the meeting date of the CPDC at which the request will be considered.]~~

~~[(5)] [All requests for approval of an activity shall be accompanied by:]~~

~~[(a)] [A detailed outline and objectives;]~~

~~[(b)] [A time outline including registration, introductions, welcomes, breaks, and meals;]~~

~~[(c)] [Handouts or reference materials needed to evaluate the activity; and]~~

~~[(d)] [A resume for each instructor or speaker in the activity.]~~

~~[(6)] [The CPDC or board may send a representative to monitor an activity.]~~

~~[(a)] [The provider or sponsor shall waive all fees for the CPDC or board representative.]~~

~~[(b)] [Approval for the activity may be withdrawn for subsequent iterations of the activity, if significant variation is observed from the approved activity.]~~

~~[(7)] [An evaluation form shall be made available for participants at each presentation.]~~

~~[(8)] [An individual under disciplinary action from the board or a business entity with a principal who is under disciplinary action from the board shall not present a CPD activity for credit without prior, written approval from the board.]~~

~~[(9)] [If a provider fails to obtain prior approval, a professional land surveyor may request credit for an activity by making a written request for post approval to the CPDC and including in that request, the items listed in subsection (5) of this section.]~~

~~[(10)] [Upon approval, an activity shall receive a CPD number, which shall be used to identify the activity.]~~

~~[(11)] [If an activity is not approved by the CPDC, the requestor shall be sent notice of nonapproval within two (2) weeks of its decision. This decision shall be presented to the board at its next meeting for consideration of ratification.]~~

~~Section 5.[Section 6.] Exemptions and Extensions.[A professional land surveyor may be exempted from the requirements of this administrative regulation by submitting a written request to the CPDC with supporting documentation for the exemption if a requirement established in this section is met.]~~

~~(1) A licensee[professional land surveyor] shall be exempted from continuing professional development requirements for the [reporting period containing the] calendar year in which the licensee[he or she] is initially licensed by the board. If the licensee is initially licensed in the first calendar year of the reporting period, the number of PDH units required for that reporting period shall be eight (8) PDH units.~~

~~(2) A licensee who is on active duty in the Armed Forces of the United States shall be exempted from continuing professional development requirements for those years in which the licensee was on active duty.~~

~~(3) **A former licensee[An individual]** who has selected inactive or retired status shall be exempted from continuing professional development requirements.~~

~~(4)[(2)] A licensee[professional land surveyor] who is unable to[cannot] satisfy the CPD requirement because of physical disability, illness, or other extenuating circumstance **shall[may]** be granted an extension[exempted] for the calendar year in which the disability, illness, or extenuating circumstance occurs.~~

~~(5) **[The board][CPDC][may grant an extension of time to fulfill the]**[yearly-]**[CPD requirement for an extenuating circumstance.**~~

~~**(6)[(3)]** An **[exemption or]** extension request shall be made in writing, with supporting documentation, to the board during the calendar year in which the **[exemption or]** extension is requested[for each calendar year], and the **[exemption or]** extension shall only be valid for that calendar year.~~

~~Section 6.[Section 7.] Reinstatement. Before a license is reinstated by the board under 201 KAR 18:115, a former licensee[professional land surveyor] shall earn the PDH units[continuing professional development hours] required for each reporting period[year] the license was revoked, suspended, [or] expired, or in inactive or retired status up to a maximum of thirty-two (32) PDH units[professional development hours].~~

~~Section 7.[Section 8.] Reporting.~~

~~[(1)] A licensee[professional land surveyor] shall certify **on the Online Individual Renewal Professional Land Surveyor form** whether or not the licensee[he or she] has complied with the requirements of this administrative regulation during the biennial renewal of license[on the Electronic License Renewal Application, available at www.kyboels.ky.gov]. The failure to truthfully report compliance with this administrative regulation shall constitute unprofessional conduct.~~

~~[(2)] [Biennial renewal forms received after September 1 shall be subject to the audit process in Section 9 of this administrative regulation.]~~

~~Section 8.[Section 9.] Audits.~~

~~(1) Compliance with the [annual-]CPD requirements shall be determined through an audit process.~~

~~(2) Four (4) percent of licensees who have completed their biennial renewals before September 1 of their renewal year shall be selected for audit through a random selection process[Professional land surveyors shall be audited through a random selection process or as the result of information provided to the board].~~

(3) All licensees who complete their biennial renewals on or after September 1 of their renewal year shall be **audited**~~[subjected to the audit process]~~.

(4) A licensee who is the subject of an investigation pursuant to KRS 322.190 shall be **audited**~~[subjected to the audit process]~~.

(5)~~(3)~~ A licensee~~[Individuals]~~ selected for audit shall provide the board with documentation as **established**~~[described]~~ in Section 4 of this administrative regulation within thirty (30) days of the board's request.~~[, provide the board with documentation of the CPD activities claimed for the renewal period. Appropriate documentation shall include:]~~

[a)] ~~[Verification records in the form of transcripts, completion certificates, or other documents supporting evidence of participation; or]~~

[b)] ~~[Information regarding seminar or course content, instructors, and sponsoring organizations.]~~

~~(4)~~ ~~[Individual licensees shall maintain verification records and documentation for audit purposes for the current reporting period and at least the two (2) previous reporting periods.]~~

~~(6)~~~~(5)~~ If continuing professional development credit is disallowed, the licensee~~[a professional land surveyor]~~ shall have sixty (60)~~[180]~~ calendar days after notification to substantiate the original claim or earn other PDH units~~[credit]~~ to meet the requirement.

~~(7)~~~~(6)~~ Failure to comply with the CPD requirements shall constitute~~[be considered]~~ a violation of KRS 322.180~~(3)~~.~~(3)~~ ~~[subjecting the licensee]~~~~[professional land surveyor]~~ ~~[to disciplinary action]~~.

~~(8)~~~~(7)~~ ***If a licensee fails to comply with the CPD requirements, the licensee shall automatically be audited***~~[An audit resulting in a determination of noncompliance shall subject the licensee]~~~~[professional land surveyor]~~ ~~[to an automatic audit for]~~ the next reporting period and each subsequent reporting period until an audit results in a determination of compliance.

~~(8)~~ ~~[A professional land surveyor who is under investigation pursuant to KRS 322.190 shall be subject to the audit requirements of this section.]~~

Section 9. Approval for a Standards of Practice, Professional Ethics, and Code of Professional Practice and Conduct Course.

(1) The Surveying Committee shall pre-approve **or disapprove**~~[instructors for]~~ a four (4) PDH course in standards of practice for professional land surveyors, professional ethics, and the code of professional practice and conduct **in accordance with this administrative regulation.**

(2) Approval of the course shall be valid for three (3) years.

(3) Failure to notify the board of a change in the course, including a change in the instructor, **shall**~~[may]~~ render approval of the course null and void.

(4) A written request for approval of the course shall be submitted to and received by the board at least sixty (60) days prior to the meeting date of the Surveying Committee at which the request will be considered.

(5) All requests for approval of the course shall be accompanied by:

(a) A detailed outline and objectives;

(b) A time outline including registration, introductions, welcomes, breaks, and meals;

(c) All presentation materials, handouts, and reference materials; and

(d) A resume for instructor.

(6) The board may send a representative to monitor live presentations of the course.

(a) The provider shall notify the board at least sixty (60) days prior to providing a live presentation of the course.

(b) The provider shall waive all fees for the board representative and reimburse costs, if any, of attending the course.

- (c) Approval for the course ***shall[may]*** be withdrawn for subsequent iterations of the course if significant variation is observed from the approved course.
- (7) An evaluation form shall be made available for participants at each presentation.
- (8) An individual under disciplinary action from the board or a business entity with a principal who is under disciplinary action from the board shall not present the course without prior, written approval from the board.
- (9) Upon approval ***in accordance with this administrative regulation***, an activity shall receive a CPD number, which shall be used to identify the course.
- (10) If a course is not approved by the Surveying Committee, the requestor shall be sent notice of disapproval within two (2) weeks of its decision.

Section 10. Incorporation by Reference. (1) "Online Individual Renewal – Professional Land Surveyor", October 2024, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained at kyboels.gov. [~~This decision shall be presented to the board at its next meeting for consideration of ratification.~~]

[Section 10.] [Incorporation by Reference.]

[(1)] [The following material is incorporated by reference:]

[(a)] ["Continuing Professional Development Course Approval Form", November 1999, State Board of Licensure for Professional Engineers and Land Surveyors; and]

[(b)] ["Electronic License Renewal Application", 2012.]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

CONTACT PERSON: Kyle L. Elliott, Executive Director, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive Frankfort, Kentucky 40601, phone (502) 573-2680, fax (502) 573-6687, email kyle.elliott@ky.gov.

Kentucky Board of Engineers and Land Surveyors

License Renewal

Welcome to the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors License Renewal System.

All individuals with Last Name A - K are required to renew their license every odd year by June 30 and Last Name L - Z every even year by June 30. The license fee is \$150 for either a Land Surveying or Engineering license. Retired or Inactive license fees are \$20. If the license is renewed after June 30, the renewal fee increases 10% for each month or fraction of a month that the renewal is delayed. You may pay by ACH debit (electronic check) or by using your MasterCard, Visa or American Express credit card.

Any Questions?

Kentucky State Board of Licensure for Professional Engineers and Land Surveyors
160 Democrat Drive
Frankfort, KY 40601-9229

Phone: (502) 573-2680
Toll Free: (800) 573-2680
Fax: (502) 573-6687
<http://kyboels.ky.gov>

Login

License Number
Find license number?

License Type

Birthdate
Ex. MM/DD/YYYY or 12/31/1509

LOGIN

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Kentucky Board of Engineers and Land Surveyors

Home Contact Information

[LOGOUT](#)

Listed below is the information we have on record. Please review and make any changes. If there is a change needed for the Name, please contact the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors

* Required field

Contact Information

First Name	<input type="text"/>
Last Name	<input type="text"/>
NCEES ID	<input type="text"/>
* Country	UNITED STATES <input type="button" value="v"/>
* Address 1	<input type="text"/> Help
Address 2	<input type="text"/>
* City	<input type="text"/>
State	<input type="text"/> <input type="button" value="v"/>
* Zip Code	<input type="text"/>
Work Phone Number	<input type="text"/>
* Home/Cell Number	<input type="text"/>
* Email Address	<input type="text"/> Verification will be sent to this address Privacy & Security
Web Site	<input type="text"/> Example: http://www.kentucky.gov

Licenses Held

Please review your license status and adjust if needed

If you select an [Inactive/Retired](#) status, the only way to return to a Current status is to apply for [Reinstatement](#)

License Number	License Type	Status	Renew This License
<input type="text"/>	Land Surveyor	Retired <input type="button" value="v"/>	<input checked="" type="checkbox"/> Help
<input type="text"/>	Professional Engineer	Current <input type="button" value="v"/>	<input checked="" type="checkbox"/> Help

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Kentucky Board of Engineers and Land Surveyors

Professional Land Surveyor Questions

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To renew your Land Surveyor license, please answer the following questions

Questions

* Since your last renewal, have you been disciplined by a professional licensing jurisdiction or voluntarily surrendered a professional license in lieu of a disciplinary action?

Yes

No

* The term "disciplinary action" means any final written decision or settlement taken against an individual or firm by a licensing board based upon a violation of the board's laws or rules. Disciplinary actions include reprimands, administrative fines, the board's refusal to issue, restore/renew a license, Settlement Agreements or Consent Orders, probation, suspension, revocation, or any combination of these.

* Since your last renewal, have you been convicted of a misdemeanor or felony?

Yes

No

* Have you met the continuing professional development requirements in 201 KAR 18:192?

Yes

No

[201 KAR 18.192](#)

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Kentucky Board of Engineers and Land Surveyors

Signature

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I understand that a typed version of my name is being accepted as my original signature

* **Electronic Signature**

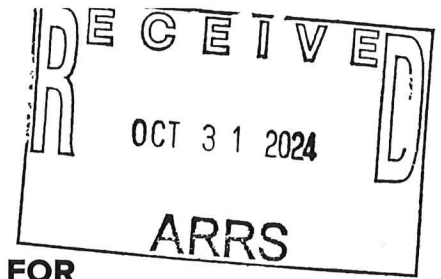
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KENTUCKY STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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GOVERNOR

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Kyle Elliott, PLS
EXECUTIVE DIRECTOR

October 31, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
Administrative Regulations Review Subcommittee
Legislative Research Commission
083, Capitol Annex
702 Capital Avenue
Frankfort, Kentucky 40601

Re: *201 KAR 18:010. Classes of applicants for licensure for professional engineering and land surveying.*
201 KAR 18:030. Engineer in training and land surveyor in training certificates.
201 KAR 18:192. Continuing professional development for professional land surveyors.
201 KAR 18:196. Continuing professional development for professional engineers.

Dear Co-Chairs West and Lewis:

After discussion with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 18:010, 201 KAR 18:030, 201 KAR 18:192, and 201 KAR 18:196, the State Board of Licensure for Professional Engineers and Land Surveyors proposes the attached suggested substitutes to 201 KAR 18:010, 201 KAR 18:030, 201 KAR 18:192, and 201 KAR 18:196.

Very truly yours,

JAKE R. MILLER
General Counsel
Kentucky State Board of Licensure for
Professional Engineers and Land Surveyors
Email: jake.miller@ky.gov
Phone: (502) 782-5844

Attachments

The Kentucky State Board is self-supporting and receives no general fund tax dollars.



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SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Licensure for Professional Engineers and Land Surveyors

201 KAR 18:196. Continuing professional development for professional engineers.

RELATES TO: KRS 322.180(3), 322.190, 322.290~~[(16)]~~

STATUTORY AUTHORITY: KRS 322.290~~(4)~~, (16)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290~~(4) and (16) require~~~~[(16) requires]~~ the board to ***promulgate administrative regulations to establish***~~*adopt*~~ a program of continuing education for professional engineers. This administrative regulation establishes requirements for the continuing professional development program mandated by KRS 322.290(16) for professional engineers.

Section 1. Definitions.

(1) "Calendar year" means a one (1) year period of time beginning on January 1 and ending on December 31.

(2) "Contact hour" means a minimum of fifty (50) minutes of instruction or presentation.

~~(3)~~~~(4)~~ "Continuing professional development" or "CPD" means participation in activities, beyond the basic educational requirements, that:

- (a) Provide specific content to improve the professional engineer's competence;
- (b) Encourage acquisition of new skills and knowledge required to maintain competence;
- (c) Strengthen the professional engineer's critical inquiry and balanced judgment;
- (d) Raise the ethical standards within the professional community; and
- (e) Meet the requirements established by ~~[the provisions of]~~ this administrative regulation.

~~(4)~~~~(2)~~ "Dual licensee" means a person licensed as both a professional engineer and a professional land surveyor.

~~(5)~~~~(3)~~ "Licensee" means a person licensed as a professional engineer.

~~(6)~~~~(4)~~ "Professional development hour" or "PDH" means one (1) nominal contact hour~~[not less than fifty (50) minutes]~~ of instruction or presentation that meets the requirements of this administrative regulation.

(7) "Provider" means a person, school, association, company, corporation, or group who has developed a CPD activity and participates directly in the presentation.

~~(8)~~~~(5)~~ "Reporting period" means the two (2) calendar years preceding the June 30 deadline for renewal of license.

Section 2. Program Structure.

(1) Except as ***established***~~*provided*~~ in Section 5~~6~~ of this administrative regulation, a licensee shall complete a minimum of thirty (30) PDH units each reporting period.

(2) If a licensee exceeds the requirement, a maximum of fifteen (15) PDH units may be carried forward to the next reporting period.

(3) PDH units earned by a dual licensee under this administrative regulation may also be used to meet the professional land surveyor requirements under 201 KAR 18:192 if the PDH units also meet the requirements of 201 KAR 18:192~~[that administrative regulation]~~.

(4) Failure to earn the required PDH units shall constitute unprofessional conduct.

Section 3. Criteria for Professional Development.

(1) Continuing professional development activities~~[education hours]~~ applicable to the renewal of the license shall be directly related to the professional growth and development of the professional engineer.

(2) PDH units may be earned upon~~[by]~~ successful completion of ~~[the following activities]:~~

(a) College or university courses;

(b) Continuing education courses;

(c) Short courses, tutorials, webinars, and distance-education courses offered as face-to-face programs, live internet-based programs, archived prerecorded programs, or archived correspondence programs~~[Correspondence, televised, videotaped, distance learning, and other short course or tutorials];~~

(d) Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, ~~[or]~~ conferences, or educational institutions;

(e) Teaching or instructing activities **established[specified]** in paragraphs (a) through (d) of this subsection;

(f) Authoring published papers, articles, books, or accepted licensing examination items related to the practice of engineering; or~~[and]~~

(g) Active participation in professional or technical societies as authorized in subsection (5)(g) of this section~~[Section 4(6)]~~.

(3) ~~To~~~~[in order to]~~ qualify for credit, activities **established[described]** in subsections (1) and (2) of this section shall:

(a) Be relevant to the practice of engineering;

(b) Contain technical, ethical, or managerial subjects;

(c) Be an organized program of learning;

(d) Be conducted by individuals with education, training, or expertise; and

(e) Not include:

1. ~~In-service~~~~[in-service]~~ training;~~[r]~~

2. Orientation~~[orientation]~~ to specific institutional policies and practices;~~[r-or]~~

3. Time~~[time]~~ used to sell or advertise a product;~~or~~~~[r]~~

4. Self-study.

(4) CPD activities shall earn credit only if substantially different from a course for which credit was claimed or granted in the current reporting period~~[previous two (2) calendar years]~~.

(5) PDH units shall be converted as **established in paragraphs (a) through (g) of this subsection. [follows:]**

(a) Credit for college or university courses shall be based upon course credit established by the college or university.

1. ~~[(a)]~~ One (1) university semester hour shall equal forty-five (45) PDH units.

2. ~~[(b)]~~ One (1) university quarter hour shall equal thirty (30) PDH units.

(b) One (1) continuing education unit shall equal ten (10) PDH units.

(c) One (1) nominal contact hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences shall equal one (1) PDH unit. The total number of hours allowed for an activity **shall not [cannot]** exceed the actual number of clock hours.

(d) Credit for correspondence, televised, videotaped, distance learning, and other short courses or tutorials shall be the equivalent PDH units recommended by the program author ~~[subject to board review]~~.

~~(e)~~[(e)] For teaching an activity ~~established~~~~[described]~~[established] in ~~subsection (2)(a) through (d) of this section~~~~[paragraphs (a) through (d) of Section 3(2)]~~, multiply the number of PDH units earned by participants for that activity by two (2). Teaching credit shall only be valid for the first time the activity is taught.

~~(f)~~[(f)] Each published paper, article, or book shall equal ten (10) PDH units.

~~(g)~~[(g)] Active participation in professional or technical ~~societies~~[society] shall equal two (2) PDH units for each organization.

1. Credit for active participation in professional or technical societies shall require that the licensee serve as an officer or committee chair of the organization.

2. PDH units shall not be earned until the end of each year of service is completed.

~~[Section 4.] [Determination of Credit.]~~

~~[(1)] [Credit for college or university courses shall be based upon course credit established by the college or university.]~~

~~[(2)] [Credit for qualifying seminars and workshops shall be based upon one (1) PDH for each fifty (50) minutes of instruction or presentation.]~~

~~[(3)] [Attendance at qualifying programs presented at professional or technical society meetings shall earn PDH units for the actual time of each program.]~~

~~[(4)] [Credit for correspondence, televised, videotaped, distance learning, and other short courses or tutorials shall be the equivalent PDH units recommended by the program author subject to board review.]~~

~~[(5)] [Teaching credit shall be valid for teaching a course or seminar for the first time only.]~~

~~[(6)]~~

~~[(a)] [Credit for active participation in professional or technical societies shall require that the licensee serve as an officer or committee chair of the organization.]~~

~~[(b)] [PDH units shall not be earned until the end of each year of service is completed.]~~

Section 4.~~[Section 5.]~~ Recordkeeping.

(1) The licensee shall be responsible for maintaining records used to support PDH units claimed.

(2) Records required include:

(a) A log showing the date of the activity, provider~~[sponsoring organization]~~, location, activity title, description, presenter's name, and PDH units earned; and

(b) Attendance certification records in the form of completion certificates or other documents supporting evidence of attendance.

Section 5.~~[Section 6.]~~ Exemptions and Extensions.

(1) A licensee shall be exempted from continuing professional development requirements for the calendar year in which the licensee is initially licensed by the board. If a licensee is initially licensed in the first calendar year of the reporting period, the number of PDH units required for that reporting period shall be fifteen (15) PDH units.

(2) A licensee who is on active duty in the Armed Forces of the United States shall be exempted from continuing professional development requirements for those years in which the licensee was on active duty.

(3) A licensee who was licensed prior to January 1, 1972, and has kept the license in good standing since becoming licensed, shall be exempted from continuing professional development requirements.

(4)[(2)] **A former licensee**~~[An individual]~~ who has selected inactive or retired status shall be exempted~~[exempt]~~ from continuing professional development~~[the]~~ requirements~~[of this administrative regulation]~~.

(5)[(3)] A licensee who is unable to satisfy the CPD requirement because of physical disability, illness, or other extenuating circumstance **shall**~~[may]~~~~[shall]~~ be granted an extension~~[exempted]~~ for the reporting period in which the disability, illness, or extenuating circumstance occurs.

(6)[(4)] ~~[The board may]~~~~[shall]~~ **grant an extension of time to fulfill the CPD requirement for an extenuating circumstance.**

~~(7)~~~~(5)~~ An ~~[exemption or]~~ extension request shall be made in writing, with supporting documentation, to the board during the calendar year in which the ~~[exemption or]~~ extension is requested, and the ~~[exemption or]~~ exemption or extension shall only be valid for that calendar year.

Section 6.~~[Section 7.]~~ Reinstatement. Before a license shall be reinstated by the board under 201 KAR 18:115, a former licensee shall earn the PDH units required for each reporting period the license was revoked, suspended, ~~[or]~~ expired, or in inactive or retired status up to a maximum of sixty (60) PDH units.

Section 7.~~[Section 8.]~~ Reporting.

(1) ~~A~~~~[On the biennial renewal form, a]~~ licensee shall certify **on the Online Individual Renewal – Professional Engineer form** whether or not the licensee has complied with~~[met]~~ the requirements of this administrative regulation during the biennial renewal of license. The failure to truthfully report compliance with this administrative regulation shall constitute unprofessional conduct.

(2) ~~[Biennial renewal forms received after September 1 shall be subject to the audit process established in Section 9 of this administrative regulation.]~~

Section 8.~~[Section 9.]~~ Audits.

(1) Compliance with the CPD requirements shall be determined through an audit process~~[a random selection process in which a computer program shall select five (5) percent of the licensees filing biennial renewal forms on or before September 1 of that year.]~~

(2) Four (4) percent of licensees who have completed their biennial renewals before September 1 of their renewal year shall be selected for audit through a random selection process.

(3) All licensees who complete their biennial renewals on or after September 1 of their renewal year shall be audited~~[subjected to the audit process].~~

(4)~~(2)~~ A licensee who is the subject of an investigation pursuant to KRS 322.190 shall be **audited**~~[subjected to the audit process]~~~~[requirements of this section]~~.

(5)~~(3)~~ A licensee selected for audit shall provide the board with documentation as **established**~~[described]~~ in Section 4~~[5]~~ of this administrative regulation within thirty (30) days of the board's request.

(6)~~(4)~~ If continuing professional development~~[the board disallows]~~ credit is disallowed~~[due to the activity not meeting the requirements of Section 3(2) of this administrative regulation, or if the PDH units reported are less than thirty (30)]~~, the licensee shall have sixty (60)~~[180]~~ calendar days after notification to substantiate the original claim or earn other PDH units to meet the requirement.

(7)~~(5)~~ Failure to comply with the CPD requirements shall constitute~~[be considered]~~ a violation of KRS 322.180~~(3)~~~~(3)~~ **subjecting the licensee to disciplinary action**.

(8)~~(6)~~ **If a licensee fails to comply with the CPD requirements, the licensee shall automatically be audited**~~[An audit resulting in a determination of noncompliance shall subject the licensee to an automatic audit for]~~ the next reporting period and each subsequent reporting period until an audit results in a determination of compliance.

Section 9. Incorporation by Reference. (1) "Online Individual Renewal – Professional Engineer", October 2024, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained at kyboels.ky.gov

CONTACT PERSON: Kyle L. Elliott, Executive Director, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive Frankfort, Kentucky 40601, phone (502) 573-2680, fax (502) 573-6687, email kyle.elliott@ky.gov.

Kentucky Board of Engineers and Land Surveyors

License Renewal

Welcome to the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors License Renewal System.

All individuals with Last Name A - K are required to renew their license every odd year by June 30 and Last Name L - Z every even year by June 30. The license fee is \$150 for either a Land Surveying or Engineering license. Retired or inactive license fees are \$20. If the license is renewed after June 30, the renewal fee increases 10% for each month or fraction of a month that the renewal is delayed. You may pay by ACH debit (electronic check) or by using your MasterCard, Visa, or American Express credit card.

Any Questions?

Kentucky State Board of Licensure for Professional Engineers and Land Surveyors
160 Democrat Drive
Frankfort, KY 40601-9229

Phone: (502) 573-2680
Toll Free: (800) 573-2680
Fax: (502) 573-6687
<http://kyboels.ky.gov>

Login

License Number

License Type

Professional Engineer

Birthdate

LOGIN

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Kentucky Board of Engineers and Land Surveyors

Home Contact Information

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Listed below is the information we have on record. Please review and make any changes. If there is a change needed for the Name, please contact the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors

* Required field

Contact Information

First Name

Last Name

NCEES ID

* **Country** UNITED STATES

* **Address 1**
[Help](#)

Address 2

* **City**

State

* **Zip Code**

Work Phone Number

* **Home/Cell Number**

* **Email Address**
Verification will be sent to this address
[Privacy & Security](#)

Web Site
Example: http://www.kentucky.gov

Licenses Held

Please review your license status and adjust if needed

If you select an Inactive/Retired status, the only way to return to a Current status is to apply for Reinstatement

License Number	License Type	Status	Renew This License
<input type="text"/>	Land Surveyor	Retired <input type="text"/>	<input checked="" type="checkbox"/> Help
<input type="text"/>	Professional Engineer	Current <input type="text"/>	<input checked="" type="checkbox"/> Help

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Kentucky Board of Engineers and Land Surveyors

Professional Engineer Questions

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To renew your Professional Engineer license, please answer the following questions

Questions

* Since your last renewal, have you been disciplined by a professional licensing jurisdiction or voluntarily surrendered a professional license in lieu of a disciplinary action?

Yes

No

*The term 'disciplinary action' means any final written decision or settlement taken against an individual or firm by a licensing board based upon a violation of the board's laws or rules. Disciplinary actions include reprimands, administrative fines, the board's refusal to issue, restore/renew a license, Settlement Agreements or Consent Orders, probation, suspension, revocation, or any combination of these

* Since your last renewal, have you been convicted of a misdemeanor or felony?

Yes

No

* Were you licensed as a Professional Engineer in Kentucky prior to January 1, 1972, and have you maintained your license in a 'current' status and in good standing' since that time?

Yes

No

*Good standing means absent from any disciplinary actions, license expirations, or license lapses

* Have you met the continuing professional development requirements in 201 KAR 18:196?

Yes

No

[201 KAR 18 196](#)

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Kentucky Board of Engineers and Land Surveyors

Signature

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I understand that a typed version of my name is being accepted as my original signature

* **Electronic Signature**

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