

Andy Beshear
Governor

KENTUCKY BOARD OF PHARMACY

State Office Building Annex, Suite 300
125 Holmes Street
Frankfort KY 40601
Phone (502) 564-7910
Fax (502) 696-3806
<http://pharmacy.ky.gov>

Board Members
Jason Belcher, Consumer
Meredith Figg, PharmD
John Fuller, RPh
Anthony B. Tagavi, PharmD
Jonathan Van Lahr, RPh
Kimberly S. Croley, PharmD

Executive Director
Christopher P. Harlow, PharmD

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

December 2, 2024

Dear Co-Chairs,

After consideration of the issues raised by **201 KAR 2:030**, the Board of Pharmacy proposes the attached **staff suggested amendment** to this ordinary administrative regulation.

Sincerely,

Christopher Harlow, Executive Director
Kentucky Board of Pharmacy

Final, 11-22-2024

SUGGESTED SUBSTITUTE

**BOARDS AND COMMISSIONS
Board of Pharmacy**

201 KAR 2:030. License transfer and Non-Resident Pharmacist License.

RELATES TO: KRS 315.050, 315.191(1)(c), (d), ~~[315.050,]~~ 315.210

STATUTORY AUTHORITY: KRS 218A.205(8), 315.191(1)(a), (c), (d), 315.210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.210 authorizes the board to establish conditions for licensure by reciprocity. KRS 218A.205(8) requires the board to establish requirements for background checks for licensees. This administrative regulation establishes conditions, forms, and examination requirements for licensure by reciprocity and for licensure of non-resident pharmacists.

Section 1. Definitions.

(1) "Board" is defined by KRS 315.010(4).

(2) "Good standing" means that a license is not suspended, revoked, surrendered, conditioned under terms of probation, or otherwise in a status that in any manner restricts the activity of the licensee.

(3) "License transfer" means a license to practice pharmacy in Kentucky issued by the board to a pharmacist licensed in another jurisdiction.

(4)~~(3)~~ "NABP" means the National Association of Boards of Pharmacy.

(5) "Non-Resident Pharmacist License" means a license issued by the board to a pharmacist licensed and located in another jurisdiction to practice pharmacy to citizens in Kentucky.

Section 2. An applicant licensed in another jurisdiction shall be eligible for license transfer, if the:

(1) Requirements for licensure of the jurisdiction that granted his or her license met or exceeded Kentucky requirements for licensure when the license in the other jurisdiction was granted;

(2) Applicant holds in good standing, an active license to practice pharmacy;

(3) Applicant has:

(a) Completed and certified the NABP Preliminary Application for Transfer of Pharmacist License form; and

(b) Received an NABP Official Application for Transfer of Pharmacist License;

(4) Applicant is currently in good standing in the jurisdiction from which he or she has applied;

(5) Applicant has successfully completed an examination in jurisprudence;

(6) Applicant has submitted to a nation-wide criminal background investigation by means of fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation; and

(7) Applicant has submitted to a query to the National Practitioner Data Bank of the United States Department of Health and Human Services.

Section 3. Required Information. An applicant shall provide the information required by the NABP Preliminary Application for Transfer of Pharmacist License form, including:

(1) Name, maiden, and other names used currently or previously;

(2) Address, telephone number;

(3) Date of birth;

(4) Social Security number;

(5) Citizenship;

(6) Sex;

(7) State of original license by examination, including:

(a) License number;

(b) Original date of issue;

(c) Current status of original licensure; and

- (d) State for which license transfer is requested;
- (8) Pharmacy education, including:
 - (a) Name and location of pharmacy school;
 - (b) Name of pharmacy degree;
 - (c) Date degree was received; and
 - (d) Other professional degrees, including the information specified by paragraphs (a) to (c) of this subsection;
- (9) Whether the applicant has earned certification by the Foreign Pharmacy Graduate Examination Committee, and, if so, the examination equivalency number assigned;
- (10) Total hours of practical experience as an intern prior to licensure as a pharmacist;
- (11) States, dates, and results of pharmacist licensure examinations;
- (12) Pharmacist licenses currently held, including issue date, expiration date, status, and any board action taken against the licensee;
- (13) Practice and employment, including nonpharmacist employment, from the past three (3) years;
- (14) Record of charges or convictions of any felony or misdemeanor offense, other than traffic offenses, and whether or not a sentence was imposed or suspended;
- (15) Record of any surrender of a pharmacist license or registration issued by the federal government or any state controlled substance authority;
- (16) Record of any pharmacist license revocation, suspension, restriction, termination, or other disciplinary action by any board of pharmacy or other state authority;
- (17) Record of whether the pharmacist is currently under investigation or subject to disciplinary action by the licensing jurisdiction, federal Food and Drug Administration, federal Drug Enforcement Administration or any state drug enforcement authority for the violation of any state or federal pharmacy, liquor, or drug laws;
- (18) Record of any condition or impairment, such as substance or alcohol abuse or dependency that in any way affects the pharmacist's ability to practice pharmacy in a safe and competent manner; and
- (19) Record of any application for initial licensure, renewal licensure, or licensure by transfer that was denied by any licensing authority, whether in pharmacy or any other profession.

Section 4. The board shall accept license transfer applications from jurisdictions that:

- (1) Are an active member of the NABP; and
- (2) Grant license transfers to pharmacists pursuant to conditions and requirements that are the equivalent of conditions and requirements established by the board.

Section 5. An applicant for license transfer shall:

(1) Take and pass the Multistate Pharmacy Jurisprudence Examination administered by the NABP; and

(2)(a)[shall] Pay the **fee established[fees]** in 201 KAR 2:050, **Section 1(2) for the application and initial license transfer;**[~~(1)~~] and

(b) **Pay the fee established in 201 KAR 2:050, Section 1(19) for the Query to the National Practitioner Data Bank of the United States.**

Section 6. An applicant licensed in another jurisdiction shall be eligible for non-resident pharmacist license if the applicant:[~~Fee. An applicant shall include the fees specified by 201 KAR 2:050, Section 1(2) and (19).~~]

- (1) Holds in good standing an active license to practice pharmacy in any state;
- (2) The applicant is issued a NABP Verify credential; and
- (3) The applicant submits to a fingerprint-supported criminal record check by the Department of Kentucky State Police and the Federal Bureau of Investigation pursuant to KRS 218A.205(8).

Section 7. An applicant for non-resident pharmacist license shall be exempt from:

- (1) The requirements for license transfer;
- (2) The Multistate Pharmacy Jurisprudence Examination administered by NABP; and
- (3) Continuing Education requirements of Kentucky.

Section 8. A non-resident pharmacist licensee shall:

- (1) Maintain participation in the NABP Verify Program;
- (2) Submit an initial application for non-resident pharmacist licensure;
- (3) Submit an annual renewal of non-resident pharmacist license; and
- (4) Pay the annual renewal of a pharmacist non-resident license fee established in 201 KAR 2:050.

Section 9. The following acts are prohibited with the utilization of a non-resident pharmacist license:

- (1) Engaging in the practice of pharmacy in Kentucky while:
 - (a) Residing in Kentucky; or
 - (b) Employed by a pharmacy located in Kentucky; and
- (2) Serving as a pharmacist-in-charge of a Kentucky permitted facility.

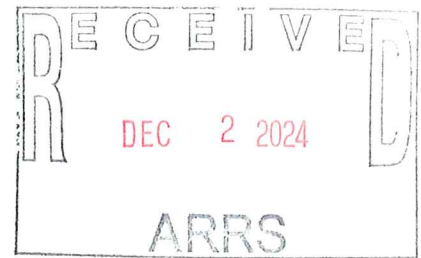
Section 10. Board Discretion.

- (1) The board maintains the discretion to deny an applicant a licensee if the applicant fails to demonstrate good mental health and moral character pursuant to KRS 315.050(1);
- (2) The board may waive the provisions of Section 9 of this administrative regulation during a declared state of emergency.

Section 11. [~~Section 7.~~] Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "NABP Preliminary Application for Transfer of Pharmacist License", April 2018; and, ~~is incorporated by reference.~~
 - (b) "Application/Renewal for Non-Resident Pharmacist License", 04/2024.
- (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. to 4:30 p.m. or on the Web site at <https://pharmacy.ky.gov/professionals/Pages/Pharmacists.aspx>. [~~<https://pharmacy.ky.gov/professionals/Pages/Reciprocal-Information.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

KENTUCKY BOARD OF PHARMACY

State Office Building Annex, Suite 300
125 Holmes Street
Frankfort KY 40601
Phone (502) 564-7910
Fax (502) 696-3806
<http://pharmacy.ky.gov>

Board Members
Jason Belcher, Consumer
Meredith Figg, PharmD
John Fuller, RPh
Anthony B. Tagavi, PharmD
Jonathan Van Lahr, RPh
Kimberly S. Croley, PharmD

Executive Director
Christopher P. Harlow, PharmD

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

December 2, 2024

Dear Co-Chairs,

After consideration of the issues raised by 201 KAR 2:210, the Board of Pharmacy proposes the attached staff suggested amendment 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 2:210. Patient records, drug regimen review, patient counseling, and final product verification[and patient counseling].

RELATES TO: KRS 217.015(9), 218A.010(11), 218A.185, 315.010(7), (9), (14), (24), (25), 315.020(5)(e), 315.191(1), [(5), (6),]42 C.F.R. Part [Part-]456

STATUTORY AUTHORITY: KRS 217.215(2), 315.191(1), [(5),]42 C.F.R. Part [Part-]456

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 315.191(1), (56),]42 C.F.R. Part [CFR-Part] 456 requires[mandates that] pharmacists to implement drug regimen[utilization] reviews and provide patient counseling to those recipients of health-care benefits for which federal funds are allocated. [This administrative regulation provides for this mechanism and broadens its magnitude by rendering this valuable service available to all Kentucky's citizenry, equitably.]This administrative regulation establishes rules for the dispensing of a prescription drug or medical order by a pharmacist and ensures comprehensive patient records are maintained and remain confidential.**

Section 1. Definitions.

(1) "Automated filling system":

(a) Means an automated system used by a pharmacy to assist in filling a prescription drug order or medical order by selecting, labeling, filling, or sealing medication for dispensing; and

(b) Does[- an "automated filling system" is] not include an automated device used solely to count medication, vacuum tube drug delivery systems, automated pharmacy systems as defined in KRS 218A.185, or automated dispensing systems as defined in 201 KAR 2:370.

(2) ["Confidential information" is defined by KRS 315.010(7).

(3)-] "Dispense" or "dispensing" is defined by KRS [315.010(9), KRS]217.015(9),[- and KRS] 218A.010(11), and 315.010(9).

(3)[(4)] "Electronic verification" means the non-physical visual verification a pharmacist utilizes to verify the accuracy of the final contents of the prepared prescription product and affixed label prior to dispensing.

(4)[(5)] "Electronic verification system" means an electronic verification, bar code verification, weight verification, radio frequency identification, or similar electronic process or system that accurately verifies medication has been properly prepared and labeled by, or loaded into, an automated filling system.

(5)[(6)] "Final product verification" means the process a pharmacist utilizes to verify the accuracy of the final contents of any prepared prescription product and affixed label prior to dispensing.

(6)[(7)] "Manufacturer unit of use package" means a drug dispensed in the manufacturer's original and sealed packaging, or in the original and sealed packaging of a re-packager, without additional manipulation or preparation by the pharmacy, except for application of the pharmacy label.

(7)[(8)] "Medical Order" is defined by KRS 315.010(14).

(8)[(9)] "Prepared prescription product" means[is] a prescription drug or medical order prepared for dispensing by a pharmacist.

(9)[(10)] "Prescription drug order" is defined by KRS 315.010(25).

(10)[(11)] "Re-packager" means a re-packager registered with the United States Food and Drug Administration.

(11)[(12)] "Repacked" means any drug that has been removed from the original packaging of the manufacturer or a re-packager's packaging and is placed in a container for use in an automated filling system.

Section 2. Patient Records.

(1)

~~[(a)]~~ A patient record system shall, with the exercise of professional judgment, be maintained by a pharmacy for patients for whom prescription drug or medical orders~~[prescriptive drug orders]~~ are dispensed at that pharmacy location.

~~(2)[(b)]~~ A pharmacist, with the exercise of professional judgment, shall establish a procedure for obtaining, recording, and maintaining information required for a patient record.

~~(3)[(c)]~~ A pharmacist, or a pharmacy technician or a pharmacist intern~~[his designee]~~, shall obtain, record, and maintain the information for a patient record.

~~(4)[(d)]~~ A patient record shall:

~~(a)[1-]~~ Be readily retrievable by manual or electronic means;

~~(b)[2-]~~ Enable the pharmacist to identify previously dispensed drugs and known disease conditions;

~~(c)[3-]~~ Enable the pharmacist to determine the impact of previously dispensed drugs and known disease conditions upon the newly submitted prescription drug or medical order~~[prescriptive drug order]~~; and

~~(d)[4-]~~ Be maintained for not less than 180 days from the date of the last entry.

~~(5)[(2)]~~ A patient record shall include:

(a) Full name of patient or animal for whom the drug is intended;

(b) Address and telephone number of the patient;

(c) Patient's age or date of birth;

(d) Patient's gender;

(e) A list of all prescriptions received by the pharmacy or dispensed to~~[obtained by]~~ the patient at that pharmacy location for the past twelve (12) months by:

1. Prescription number;

2. Name and strength of medication;

3. Quantity;

4. Date received;

5. Identity of prescriber; and

6. Comments or other information as may be relevant to the specific patient or drug; and

(f) Individual medical history if significant, including known disease states, known allergies, idiosyncrasies, reactions or conditions relating to prospective drug use and drug regimen reviews.

Section 3.[Section 2-] Prospective Drug Regimen Review.

(1) A **pharmacist shall conduct a** prospective drug regimen review **[shall be conducted by a pharmacist]** prior to dispensing.

(2) It shall include an assessment of a patient's drug therapy and the prescription order.

(3) A prospective drug regimen review shall include a review by the pharmacist of the following:

(a) Known allergies;

(b) Rationale for use;

(c) Proper dose, route of administration, and directions;

(d) Synergism with currently employed modalities;

(e) Interaction or adverse reaction with applicable:

1. Drugs;

2. Foods; or

3. Known disease states;

(f) Proper utilization for optimum therapeutic outcomes; and

(g) Clinical misuse or abuse.

Section 4. Automated Filling Systems.

(1) Automated filling systems shall be stocked or loaded by a pharmacist, or by a pharmacist intern or certified pharmacy technician under the supervision of a pharmacist. A registered pharmacy technician may stock or load an automated filling system under the immediate supervision of a pharmacist.

(2) A licensed pharmacist shall inspect and verify the accuracy of the final contents of any prepared prescription product filled or packaged by an automated filling system and the **affixed** label[-**affixed**

thereto] prior to dispensing. A pharmacist shall be **found/deemed** to have verified the prepared prescription product and the **affixed** label/~~affixed thereto~~ if:

(a) The filling process is fully automated from the time the filling process is initiated until a completed, labeled, and sealed prepared prescription product is produced by the automated filling system that is ready for dispensing to the patient. ~~[No-]~~Manual intervention with the medication or prepared prescription product **shall not/may** occur after the medication is loaded into the automated filling system. Manual intervention shall not include preparing a finished prepared prescription product for mailing, delivery, or storage;

(b) A pharmacist verifies the accuracy of the prescription information used by or entered into the automated filling system for a specific patient prior to initiation of the automatic fill process. The name, initials, or identification code of the verifying pharmacist shall be recorded in the pharmacy's records and maintained for five (5) years after dispensing;

(c) The pharmacy establishes and follows a policy and procedure manual that complies with this administrative regulation;

(d) A pharmacist verifies the correct medication, repackaged container, or manufacturer unit of use package was properly stocked, filled, and loaded in the automated filling system prior to initiating the fill process. Alternatively, an electronic verification system may be used for verification of manufacturer unit of use packages or repacked medication previously verified by a pharmacist. The name, initials, or identification code of the verifying pharmacist shall be recorded in the pharmacy's records and maintained for five (5) years after dispensing;

(e) The medication to be dispensed is filled, labeled, and sealed in the prescription container by the automated filling system or dispensed by the system in a manufacturer's unit of use package or a repacked pharmacy container;

(f) An electronic verification system is used to verify the proper prescription label has been affixed to the correct medication, repackaged container, or manufacturer unit of use package for the correct patient; and

(g) Daily random quality testing is conducted by a pharmacist on a sample size of prescriptions filled by an automated filling system. The required sample size shall **be at least/not be less than** two (2) percent of the prescriptions filled by the automated system on the date tested or two (2) percent of the prescriptions filled by the automated system on the last day of system operation, as designated in writing by the pharmacist in charge. Proof of compliance, including date and results, of daily random quality testing shall be maintained and documented in the pharmacy's records.

(3) Pharmacies verifying prescriptions utilizing the method in subsection (2) of this section shall establish and follow written policies and procedures to ensure the proper, safe, and secure functioning of the system. Policies and procedures shall be reviewed annually by the pharmacist in charge and shall be maintained in the pharmacy's records for a minimum of five (5) years. The required annual review shall be documented in the pharmacy's records and made available upon request.

(4) At a minimum, the pharmacy shall establish and follow policies and procedures for:

(a) Maintaining the automated filling system and any accompanying electronic verification system in good working order;

(b) Ensuring accurate filling, loading, and stocking of the system;

(c) Ensuring sanitary operations of the system and preventing cross-contamination of cells, cartridges, containers, cassettes, or packages;

(d) Reporting, investigating, and addressing filling errors and system malfunctions;

(e) Testing the accuracy of the automated filling system and any accompanying electronic verification system. At a minimum, the automated filling system and electronic verification system shall be tested before the first use of the system or restarting the system and upon any modification to the automated filling system or electronic verification system that changes or alters the filling or electronic verification process;

(f) Training persons authorized to access, stock, restock, or load the automated filling system in equipment use and operations;

(g) Tracking and documenting prescription errors related to the automated filling system that are not corrected prior to dispensing to the patient. ~~[Such-]~~Documentation shall be maintained for five (5) years and produced to the board upon request;

- (h) Conducting routine and preventative maintenance, and, if applicable, calibration;
 - (i) Removing expired, adulterated, misbranded, or recalled drugs;
 - (j) Preventing unauthorized access to the system, including assigning, discontinuing, or changing security access;
 - (k) Identifying and recording persons responsible for stocking, loading, and filling the system;
 - (l) Ensuring compliance with state and federal law, including, all applicable labeling, storage and security requirements; and
 - (m) Maintaining an ongoing quality assurance program that monitors performance of the automatic fill system and any electronic verification system to ensure proper and accurate functioning.
- (5) Records required by this administrative regulation shall be maintained by the pharmacy's records electronically or in writing for a minimum of five (5) years. When the verification requirements of subsection (2) of this section are completed by a pharmacist, the name, initials or identification code of the verifying pharmacist shall be recorded in the pharmacy's records and maintained for five (5) years after dispensing. Records shall be made available for inspection and produced to the board upon request.

Section 5. Final Product Verification.

- (1) **A pharmacist shall conduct** final product verification of a prepared prescription product ~~[shall be conducted by a pharmacist]~~ prior to delivery of the prepared prescription product to the patient.
- (2) ~~[No]~~ Further manipulation of a prepared prescription product shall **not** occur after the pharmacist's verification is complete other than applying the required container lid or seal and preparing the prepared prescription product for mailing, delivery, or storage.
- (3) The identity of the pharmacist responsible for verifying the prepared prescription product shall be documented in the pharmacy's records.
- (4) A mechanism shall be in place to record and communicate the pharmacist's verification.
- (5) A licensed pharmacist may use an electronic verification system to verify the accuracy of a final prepared prescription product if:
 - (a) The electronic verification system allows the pharmacist to see an exact, clear, and unobstructed visual image or images of the prepared prescription product contents and the label affixed to the container. If multiple units are being dispensed, the pharmacist shall be able to see and verify an image or images of each unit and each individual affixed label;
 - (b) Pharmacy technicians and pharmacist interns preparing a prescription to be verified with electronic verification shall be trained and competent to perform the duties assigned and have a documented initial and annual assessment of competency using the pharmacy's approved electronic verification system;
 - (c) The pharmacy maintains an ongoing quality assurance program that monitors performance of the electronic verification system to ensure proper and accurate functioning and **includes[must include]** procedures for system outages; and
 - (d) The pharmacy maintains records required by this **administrative regulation[rule]** electronically or in writing for a minimum of five (5) years. Records shall be made available for inspection and produced to the board upon request.
- (6) Compounded preparations shall not be verified electronically. Compounded preparations shall be physically verified by a pharmacist.
- (7) Final product verification of a prescription shall only occur on the premises of the originating pharmacy notwithstanding any final product verification occurring under 201 KAR 2:230.
- (8) The board may, upon a petition by a permit holder and upon ~~[a showing of good cause and in]~~the balancing the best interest of the public health, safety, and welfare, waive a specific portion of this section.

Section 6. Patient Counseling.

- (1) The pharmacist shall offer to counsel a patient on matters which the pharmacist[he] believes will optimize drug therapy with each patient or caregiver:

 - (a) Upon the presentation of an original prescription order; and
 - (b) On refill prescriptions, as professional discretion dictates.

(2)

~~[(a)]~~ The offer shall be made by the pharmacist in a face-to-face communication with the patient or caregiver, unless, in the professional judgment of the pharmacist, it is **found[deemed]** impractical or inappropriate.

~~(3)[(b)]~~ If **found[deemed]** impractical or inappropriate, the offer to counsel may be made:

~~(a)[4-]~~ By the pharmacy technician or pharmacist intern~~[pharmacist designee];~~

~~(b)[2-]~~ In written communication;

~~(c)[3-]~~ By telephone~~[through access to a telephone service that is toll free for long distance calls, unless the primary patient population is accessible through a local, measured, or toll-free exchange];~~
or

~~(d)[4-]~~ In another manner determined by the pharmacist to be appropriate.

~~(4)[(3)]~~ Patient counseling shall be:

(a) In person ~~if~~~~[when]~~ practical; or

(b) With reasonable effort, by telephone or real-time video.

~~(5)[(4)]~~ The pharmacist shall include the following elements of patient counseling that the pharmacist~~[he]~~ has determined are appropriate:

(a) The name and description of the drug;

(b) The dosage form, dose, route of administration, and duration of therapy;

(c) Special directions and precautions;

(d) Common and clinically significant adverse effects, interactions, or contraindications that may be encountered, including ~~the~~~~[their]~~ avoidance and the action required **if these**~~[should they]~~ occur;

(e) Techniques for self-monitoring of drug therapy;

(f) Proper storage;

(g) Refill information;

(h) Action to be taken **if in event of** a missed dose;

(i) The pharmacist's~~[His]~~ comments relevant to the individual's therapy; and

(j) Any other information peculiar to the specific patient or drug.

~~(6)[(5)]~~ If a pharmacist determines that it is appropriate, the pharmacist~~[he]~~ may supplement patient counseling with additional forms of patient information, such as:

(a) Written, electronic, or printed information leaflets;

(b) Pictogram labels; and

(c) Video programs.

~~(7)[(6)]~~ Mail-order pharmacies shall be subject to the same counseling requirements as any other pharmacy.

Section 7. Documentation of Counseling.

(1) A record that the patient refused the pharmacist's offer to counsel shall be maintained for one (1) year.

(2) If there is no record that the patient refused the pharmacist's offer to counsel, there shall be a presumption that:

(a) The offer to counsel, as required in Section 6[4] of this administrative regulation, was made and accepted; and

(b) The counseling was provided.

Section 8. [Section 3.] Confidentiality.

(1) A patient record shall be held in confidence.

(2) It shall be communicated or released:

(a) To the patient;

(b) As the patient directs; or

(c) As prudent, professional discretion dictates.

[Section 4.] [Prospective Drug Use Review.]

~~[(1)] [A prospective drug use review shall be conducted by a pharmacist prior to dispensing.]~~

~~[(2)] [It shall include an assessment of a patient's drug therapy and the prescription order.]~~

- ~~[(3)] [A prospective drug use review shall include a review by the pharmacist of the following:]~~
- ~~[(a)] [Known allergies;]~~
 - ~~[(b)] [Rationale for use;]~~
 - ~~[(c)] [Proper dose, route of administration, and directions;]~~
 - ~~[(d)] [Synergism with currently employed modalities;]~~
 - ~~[(e)] [Interaction or adverse reaction with applicable:]~~
 - ~~[1.] [Drugs;]~~
 - ~~[2.] [Foods; or]~~
 - ~~[3.] [Known disease states;]~~
 - ~~[(f)] [Proper utilization for optimum therapeutic outcomes; and]~~
 - ~~[(g)] [Clinical misuse or abuse.]~~

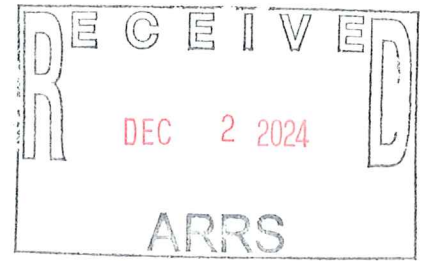
~~[Section 5.] [Documentation of Counseling.]~~

- ~~[(1)] [A record that the patient refused the pharmacist's offer to counsel shall be maintained for one (1) year.]~~
- ~~[(2)] [If there is no record that the patient refused the pharmacist's offer to counsel, there shall be a presumption that:]~~
 - ~~[(a)] [The offer to counsel, as required in Section 2 of this administrative regulation, was made and accepted; and]~~
 - ~~[(b)] [The counseling was provided.]~~

~~Section 9. [Section 6.] The provisions of this administrative regulation shall not apply:~~

- ~~(1) To [inpatients of] a hospital or institution[,], if other licensed health-care professionals **may[are authorized to]** administer the drugs; and[or]~~
- ~~(2) Compliance with 902 KAR 20:016[902 KAR 20:0116], 201 KAR 2:074 and 201 KAR 2:076 is maintained.[If there is documentation that the patient or caregiver refused consultation.]~~

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

KENTUCKY BOARD OF PHARMACY

State Office Building Annex, Suite 300
125 Holmes Street
Frankfort KY 40601
Phone (502) 564-7910
Fax (502) 696-3806
<http://pharmacy.ky.gov>

Board Members
Jason Belcher, Consumer
Meredith Figg, PharmD
John Fuller, RPh
Anthony B. Tagavi, PharmD
Jonathan Van Lahr, RPh
Kimberly S. Croley, PharmD
Executive Director
Christopher P. Harlow, PharmD

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

December 2, 2024

Dear Co-Chairs,

After consideration of the issues raised by 201 KAR 2:465, the Board of Pharmacy proposes the attached staff suggested amendment to this ordinary administrative regulation.

Sincerely,

Christopher Harlow, Executive Director
Kentucky Board of Pharmacy

Final, 11-25-2024 – Amended After Comments Version

STAFF-SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Pharmacy

201 KAR 2:465. Non-resident pharmacy applications and waivers.

RELATES TO: KRS 315.191(1)(a), (d), 315.0351~~[, 201 KAR 2:050]~~

STATUTORY AUTHORITY: KRS 315.191(1)(a), (d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(a), (d) authorizes the board to promulgate administrative regulations and issue and renew permits for all pharmacies and require all persons who engage in the practice of the profession of pharmacy for a Kentucky resident to hold an active Kentucky pharmacist license. This administrative regulation establishes the requirements to obtain a non-resident pharmacy permit to engage in the practice of pharmacy in the Commonwealth.

Section 1. Inspection Requirements.

(1) Each pharmacy shall provide to the board and ~~[also]~~ maintain, in readily retrievable form, the record of a satisfactory inspection conducted within the previous twenty-four (24) month period by the licensing entity of the state where the pharmacy is located.

(2) If ~~an[no such]~~ inspection record as established in subsection (1) of this Section is not readily available, the record of the satisfactory inspection conducted at the expense of the pharmacy within the previous twenty-four (24) months by a third-party recognized by the board to inspect may be accepted.

(3) If ~~an[no such]~~ inspection has not been performed within the previous twenty-four (24) months, the board shall conduct or contract with a third party recognized by the board to inspect the pharmacy, for which all costs shall be borne by the applicant.

Section 2. Pharmacist-in-Charge.

(1) The pharmacist-in-charge shall directly and timely respond to any lawful request for information from the board or law enforcement authorities.

(2) The pharmacist-in-charge shall be responsible for receiving and maintaining publications distributed by the board.

(3) The pharmacist-in-charge shall be responsible for answering the toll-free telephone service six (6) days a week and a minimum of forty (40) hours per week. The toll-free telephone number shall be present on the label of each prescription dispensed by the pharmacy to a Kentucky resident. If the pharmacist-in-charge is unavailable, a staff pharmacist with access to patient records may answer the call, but the staff pharmacist shall notify the pharmacist-in-charge of the call and provide the pharmacist-in-charge with a callback number for the patient. If the staff pharmacist is unable to resolve the patient's question, the pharmacist-in-charge shall return the call of the patient within forty-eight (48) hours.

Section 3. Waiver.

(1) The board may grant a waiver from the permitting requirements of this section to any nonresident pharmacy which limits dispensing activity to isolated transactions.

(2) An isolated transaction is ~~[defined as]~~ a transaction in which dispensing is limited to an established patient of the dispensing pharmacy no more than three (3) times per calendar year.

Section 4. Applications.

(1) ~~To receive~~~~[A prerequisite for receiving]~~ a permit as an out-of-state pharmacy, ~~[is that]~~ the facility ~~shall~~~~[must]~~ be in good standing in the state where it is located and submit evidence consisting of ~~[the following]~~:

(a) A copy of a valid license, permit, or registration issued by the regulatory or licensing agency of the state in which the pharmacy is located; and

(b) A letter from the regulatory or licensing agency of the state in which the pharmacy is located that certifies the pharmacy is in good standing. If the licensing agency does not provide a letter, primary source verification may be utilized.

(2) Each applicant ~~shall~~**[must]** disclose the ~~following~~:

(a) 1. Names and license numbers of all pharmacists and pharmacist-managers dispensing prescription legend drugs to an ultimate user in Kentucky, the names and, if available, the license or registration numbers of all supportive personnel employed by the out-of-state pharmacy who assist pharmacists in ~~the~~**[such]** dispensing;

2.~~[(b)]~~ Names, locations, titles, social security number, and date of birth of all principal corporate officers or members, if incorporated; and

3.~~[(e)]~~ If the pharmacy is owned by a partnership or sole proprietorship, the name, location, title, social security number, and date of birth of any partner or owner of the pharmacy.

~~(b)~~**[(d)]** A report containing this information shall be made on an annual basis and within thirty (30) days of each change for any principal office, pharmacist manager, corporate officer, partner, or owner of the pharmacy.

(3) Each non-resident pharmacy shall develop and provide the board with a policy and procedure manual that sets forth:

(a) Normal delivery protocols and times;

(b) The procedure to be followed if the patient's medication is not available at the out-of-state pharmacy, or if delivery will be delayed beyond normal delivery time;

(c) The procedure to be followed upon receipt of a prescription for an acute illness, which shall include a procedure for delivery of the medication to the patient from the out-of-state pharmacy at the earliest possible time, or an alternative that ensures~~assures~~ the patient the opportunity to obtain medication at the earliest possible time; and

(d) The procedure to be followed when the out-of-state pharmacy is advised that the patient's medication has not been received within the normal delivery time and that the patient is out of medication and requires interim dosage until mail prescription drugs become available~~;~~ and

~~[(e)] [The procedure for shipping products pursuant to FDA approved and manufacturer guidelines].~~

(4)~~(a)~~ An applicant for an out-of-state pharmacy permit ~~shall~~**[must]** designate a resident agent in Kentucky for service of process.

~~(b) An[Any such]~~ out-of-state pharmacy that does not ~~[so]~~ designate a resident agent shall be deemed to have appointed the Secretary of State of the State of Kentucky to be its true and lawful attorney upon whom process may be served.

~~(c)~~ All legal process in any action or proceeding against ~~the~~**[such]** pharmacy arising from shipping, mailing, or delivering prescription drugs in Kentucky shall be served on the resident agent.

~~(d)~~**[In addition,]** A copy of ~~the~~**[such]** service of process shall be mailed to the out-of-state pharmacy by certified mail, return receipt requested, at the address of the out-of-state pharmacy as designated on the registration form filed with the board.

~~(e) An[Any]~~ out-of-state pharmacy which does not register in this state, shall be deemed to have consented to service of process on the Secretary of State as sufficient service.

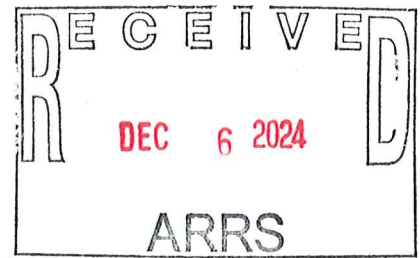
(5) Any entity who ships, mails, or delivers prescription drugs to Kentucky residents from more than one (1) out-of-state pharmacy shall register each pharmacy separately.

(6) An out-of-state pharmacy shall report to the disciplinary action taken by another state or jurisdiction against the pharmacy or pharmacy staff within thirty (30) days of final case resolution.

(7) An applicant shall submit photographs of the exterior of the pharmacy building and working areas.

(8) A person who engages in the practice of the profession of pharmacy for a Kentucky resident shall hold an active Kentucky pharmacist license except under Section 3 of this administrative regulation.

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

COMMONWEALTH OF KENTUCKY
BOARD OF OPTOMETRIC EXAMINERS

2365 Harrodsburg Road, Suite A240
Lexington, Kentucky 40504-3333
(502) 782-2736

Joe Ellis, OD
PRESIDENT

Christi LeMay
EXECUTIVE DIRECTOR

December 6, 2024

Senator Stephen West
Representative Derek Lewis
083 Capitol Annex
703 Capitol Avenue
Frankfort, KY 40601

Dear Co-Chairs,

After consideration of the issues raised by LRC staff in 201 KAR 5:005 the Kentucky Board of Optometric Examiners proposes the following amendments to this regulation

Sincerely,

A handwritten signature in cursive script that reads "Christi LeMay".

Christi LeMay
Executive Director

SUGGESTED SUBSTITUTE

**BOARDS AND COMMISSIONS
Board of Optometric Examiners**

201 KAR 5:005. Fines and fees.~~[Fees, fines, and forms]~~.

RELATES TO: KRS **Chapter 13B**, 218A.205(3)(h), (8), 320.220, 320.250, 320.270, ~~320.280~~, 320.310, ~~320.331~~

STATUTORY AUTHORITY: KRS 218A.205(3)(h), (8), 320.240(4), (7), 320.270(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 320.240(4) requires the board to promulgate administrative regulations for the reasonable regulation of the profession of optometry and the practice thereof by licensed optometrists. KRS 320.220(1) requires all persons who practice optometry in this state to be licensed by the Kentucky Board of Optometric Examiners. KRS 320.250 establishes criteria for an applicant to apply for a license. KRS 320.270 authorizes the board to admit to practice in Kentucky persons licensed to practice optometry in other states. KRS 218A.205(3)(h) and (8) require fingerprint-supported criminal record checks and queries to the National Practitioner Data Bank on applicants. This administrative regulation establishes fees, including fees relating to licensure, and fines those who fail to comply with continuing education requirements.

Section 1. Initial Application Fee. A non-refundable initial application and license fee shall be \$500 per year, as established in 201 KAR 5:010.

Section 2. Application for License by Endorsement Fee. A non-refundable application and license by endorsement fee shall be \$700 per year, as established in 201 KAR 5:010.

Section 3. Initial License Fee. A non-refundable initial license fee shall be pro-rated from ~~\$300~~~~[\$250]~~ for the remainder of months left in the license year.

Section 4. Renewal License Fee. A non-refundable renewal license fee shall be ~~\$300~~~~[\$250]~~ per year, as established in 201 KAR 5:090.

Section 5. Late Renewal License Fee. A non-refundable late renewal license fee shall be \$100, in addition to the renewal license fee ~~established~~~~[outlined]~~ in Section 4 of this administrative regulation.

Section 6. Duplicate License Fee. A non-refundable fee for a duplicate license renewal certificate shall be twenty (20) dollars.

Section 7. Reinstatement Fee. A reinstatement fee shall be ~~\$300~~~~[\$250]~~ for each year, or any portion of a year that the license was not renewed.

Section 8. Reinstatement Administrative Processing Fee. A reinstatement administrative processing fee shall be \$300, in addition to the reinstatement fee outlined in Section 7 of this administrative regulation.

Section 9. Name Change Fee. A non-refundable fee to process a name change shall be twenty-five (25) dollars.

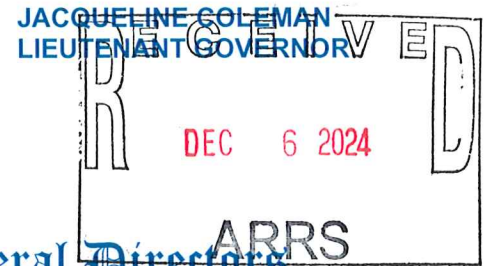
Section 10. Insufficient Funds Fee. An insufficient funds fee for a returned check or denied online banking (ACH) payment shall be fifty (50) dollars.

Section 11. Continuing Education Non-compliance Fine. A fine of \$500 shall be assessed against any licensee who fails to comply with the Continuing Education requirements for Kentucky Optometrists, as ***established[outlined]*** in KRS 320.280 and 201 KAR 5:030. The initial assessment of this fine against a licensee shall not result in disciplinary action and shall not be reported to the National Practitioners Databank (NPDB). However, any subsequent violations of this provision may be reported to the NPDB at the discretion of the board. In these instances, the action will be appealable pursuant to KRS 320.331 and KRS Chapter 13B.

Section 12. License Verification List. A fee for a licensee verification list shall be \$100.

Section 13. Individual License Verification. A fee for an individual licensee written verification shall be twenty-five (25) dollars.

ANDY BESHEAR
GOVERNOR



JACQUELINE COLEMAN
LIEUTENANT GOVERNOR

Kentucky Board of Embalmers and Funeral Directors

Board Members

Jonathan Rideout, Chair
Jack "Sonny" Meyer, Vice Chair
Robert Garner
Roth Mason
Ronald Raymond

9114 Leesgate Rd Ste 4
Louisville KY, 40222
502-426-4589
800-866-3256
502-426-4117
kbefd.ky.gov

Staff Members

Kanetha Dorsey, Executive Director
Danielle Webb, Inspector
Rose Twiford, Executive Assistant

Board Attorney

John Blevins, Esq.

Senator West
Representative Lewis
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort, KY 40601

Dear Co-Chairs:

After consideration of the issues raised by 201 KAR 15:030, 201 KAR 15:050, 201 KAR 110, 201 KAR 15:120, and 201 KAR 15:125, the Board of Embalmers & Funeral Directors proposes the attached suggested substitute to these ordinary regulations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kanetha Dorsey".

Kanetha Dorsey
Kentucky Board of Embalmers & Funeral Directors
9114 Leesgate Rd, Ste 4
Louisville, KY 40222

**Subcommittee Substitute
Final Version**

**BOARDS AND COMMISSIONS
Board of Embalmers and Funeral Directors
(As Amended at ARRS)**

201 KAR 15:030. Fees.

RELATES TO: KRS 316.125(2), 316.130(2), (4), (5), 316.132, 316.140(2)

STATUTORY AUTHORITY: KRS 316.125(2), 316.130(2), (4), (5), 316.132, 316.140(2), 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.125(2)(a) and (b) require the board to issue an appropriate establishment license to an applicant who meets the statutory requirements. KRS 316.130(2), (4), and (5) establish the renewal and continuing education requirements for licensure. KRS 316.132 establishes the requirements for continuing education courses, board approval of continuing education courses, and certification for attendance thereof. KRS 316.140(2) establishes the requirements for a person holding an embalmer's or funeral director's license issued in another state or federal district to obtain a courtesy card. KRS 316.210(1) authorizes the board to promulgate administrative regulations to carry out and enforce the provisions of KRS Chapter 316, and 316.210(6) requires the board to promulgate administrative regulations to establish fees authorized by KRS Chapter 316. This administrative regulation establishes the fees authorized by KRS Chapter 316.

Section 1.

- (1) The funeral establishment license fee shall be \$500.
- (2) The renewal fee for a funeral establishment license shall be \$500.
- (3) The late fee for a funeral establishment license renewal shall be \$500.

Section 2. Individual License Fees.

- (1) The embalmer's license renewal fee shall be \$100.
- (2) The funeral director's license renewal fee shall be \$100.
- (3) The late fee for an embalmer's license renewal or a funeral director's license renewal shall be \$100 per year.

Section 3. The fee for an annual courtesy card shall be \$100 dollars.

Section 4. Apprenticeship Fees.

- (1) The registration fee for an embalmer apprenticeship shall be \$100.
- (2) The registration fee for a funeral **director [directors]** apprenticeship shall be \$100.
- (3) The reinstatement fee for an apprenticeship shall be fifty (50) dollars [~~(\$50)-~~]per [~~license~~]type.
- (4) The registration fee for Level II funeral director registration shall be fifty (50) dollars.
- (5) The registration fee for Level II embalmer registration shall be fifty (50) dollars.
- (6) The licensure exam fee shall be \$100 per [~~license~~]examination.

Section 5. Surface Transportation Fees.

- (1) The surface transportation license fee shall be \$150.
- (2) The surface transportation renewal fee shall be \$150.
- (3) The surface transportation course and examination fee shall be seventy-five (75) dollars.

Section 6. Inspection Fees for Establishment.

- (1) A routine or requested inspection shall be \$100.
- (2) ***Except for an initial license inspection pursuant to 201 KAR 15:110, Section 5(5)***, a re-inspection within a period of three (3) months following a routine inspection, due to a deficiency found by the Inspector of the Board of Embalmers and Funeral Directors of the Commonwealth of Kentucky on a routine inspection shall be \$200.
- (3) If an establishment fails three (3) consecutive inspections within a period of six (6) months, any subsequent inspections required to determine if the failures have been cured shall be \$300 for each subsequent inspection.

Section 7. The fee for processing an application for a continuing education program shall be \$150 per program; for programs included in a conference or convention setting, the total fee shall not exceed \$600.

Section 8. Processing and NSF.

- (1) A processing fee of twenty-five (25) dollars shall apply to all document actions not covered by other fees established by KRS Chapter 316 or this administrative regulation, including national exam score requests, out-of-state verifications, official name change requests, paper submissions of any documents or applications that are available to submit electronically, processing or reprinting of any document due to a transfer or missed deadline or meeting, and revisions to wall licensure or wallet card.
- (2) A fee of sixty (60) dollars shall be assessed for any payment made to the Board pursuant to KRS Chapter 316 or these administrative regulations, where the check, draft, money order, or other financial instrument is returned by the payor's bank or financial institution for insufficient funds, or cannot otherwise be deposited into the board's account.

Section 9. All fees assessed under this administrative regulation shall be nonrefundable.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference.

- (a) "Individual Renewal Application", 6/2024;
- (b) "Continuing Education Approval Application", 6/2024;
- (c) "Application for Licensure", 6/2024;
- (d) "Medical Exemption", 6/2024;
- (e) "Seventy & Inactive", 6/2024;
- (f) "Establishment Renewal Application", 6/2024;
- (g) "Individual Information Update", 6/2024.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Embalmers and Funeral Directors, 9114 Leesgate Rd, Ste 4, Louisville, Kentucky 40222, Monday through Friday 8:00 a.m. to 4:30 p.m. Materials incorporated by reference can also

be found on the Kentucky Board of Embalmers and Funeral Directors Web site at:
<https://kbefd.ky.gov/Pages/forms.aspx>.

CONTACT PERSON: Kanetha Dorsey, Executive Director of Kentucky Board of Embalmers and Funeral Directors, 9114 Leesgate Road, Suite 4, Louisville, Kentucky 40222, phone 502-426-4589, fax 502-426-4117, email Kanetha.dorsey@ky.gov.

ANDY BESHEAR
GOVERNOR



JACQUELINE COLEMAN
LIEUTENANT GOVERNOR



Kentucky Board of Embalmers and Funeral Directors

Board Members

Jonathan Rideout, Chair
Jack "Sonny" Meyer, Vice Chair
Robert Garner
Roth Mason
Ronald Raymond

9114 Leesgate Rd Ste 4
Louisville KY, 40222
502-426-4589
800-866-3256
502-426-4117
kbefd.ky.gov

Staff Members

Kanetha Dorsey, Executive Director
Danielle Webb, Inspector
Rose Twiford, Executive Assistant

Board Attorney

John Blevins, Esq.

Senator West
Representative Lewis
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort, KY 40601

Dear Co-Chairs:

After consideration of the issues raised by 201 KAR 15:030, 201 KAR 15:050, 201 KAR 110, 201 KAR 15:120, and 201 KAR 15:125, the Board of Embalmers & Funeral Directors proposes the attached suggested substitute to these ordinary regulations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kanetha Dorsey".

Kanetha Dorsey
Kentucky Board of Embalmers & Funeral Directors
9114 Leesgate Rd, Ste 4
Louisville, KY 40222

**Subcommittee Substitute
Final Version**

**BOARDS AND COMMISSIONS
Board of Embalmers and Funeral Directors
(As Amended at ARRS)**

201 KAR 15:050. Apprenticeship and supervision requirements.

RELATES TO: KRS 316.030

STATUTORY AUTHORITY: KRS 316.030, 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.210(1) authorizes the Kentucky Board of Embalmers and Funeral Directors to promulgate administrative regulations to carry out and enforce the provisions of KRS Chapter 316. KRS 316.030(4)(e) and (5)(d) require an applicant for an embalmer's license or a funeral director's license to serve an apprenticeship under the supervision of a Kentucky-licensed embalmer or funeral director. KRS 316.030(9) requires an applicant to file sworn statements semiannually during the apprenticeship. This administrative regulation establishes the requirements for apprentices and their supervisors, the time for filing the sworn statements, and the additional information required in the sworn statements.

Section 1. Apprenticeship Application.

(1) Prior to beginning an apprenticeship, an applicant shall:

(a) File an Apprenticeship Application Form with the board that includes the sworn statement required by KRS 316.030(7)(c);

(b) Pay the registration fee established in KRS 316.030(7)(b);

(c) Submit a current photograph;

(d) Submit a copy of the applicant's high school transcript or diploma, or high school equivalency diploma;

(e) Submit an official copy of any college transcripts;

(f) Submit an official copy of National Board scores, if available;

(g) Submit an official copy of a current (less than ninety (90) days prior to the application) National Criminal Justice Information System (CJIS) report obtained from an agency approved by the Kentucky Board of Embalmers and Funeral Directors~~[the Federal Bureau of Investigation (FBI)]~~; and

(h) Appear before the board with the supervisor at the time and place identified by the board.

(2) The apprenticeship shall begin the day the applicant and supervisor meet with the board.

Section 2. Supervisor Responsibilities.

(1) An apprenticeship shall be served under the board-approved supervisor identified on the Apprenticeship Registration Form as the supervisor of record.

(2) Apprenticeships for both embalming and for funeral directing may be served concurrently under:

(a) A single individual acting as the supervisor of record who holds both a funeral director's license and an embalmer's license; or

(b) Two (2) individual licensees acting as the supervisor of record who together hold both a funeral director's license and an embalmer's license.

(3) Licensed embalmers and licensed funeral directors who seek approval from the board as a supervisor of record shall:

(a) Embalm or direct funerals at, and be employed by, the establishment where the apprentice is registered or at another funeral establishment if approved by the board;

(b) Appear before the board for approval with the apprentice; and

(c) Be responsible for ensuring that the apprentice complies with KRS Chapter 316 and 201 KAR Chapter 15.

(4) The board may withdraw approval of a supervisor based upon:

(a) Evidence of the inability to supervise an apprentice properly; or

(b) A violation of KRS Chapter 316 or 201 KAR Chapter 15.

(5) Apprentices may receive supervision by licensees other than the supervisor of record.

(a) Registered embalmer apprentices may be supervised by other licensed embalmers designated by the supervisor of record.

(b) Registered apprentice funeral directors may be supervised by other licensed funeral directors designated by the supervisor of record.

(c) Supervisors of record that designate other licensees to provide supervision for an apprentice shall remain responsible for the actions of the apprentice and for the quality of the designated supervision.

(d) The apprentice shall prepare an Apprentice Travel Form and maintain it with the apprentice calendar.

(6) The supervisor shall instruct an apprentice and ensure that an apprentice receives experience in all aspects of funeral directing or embalming, as applicable to the individual's apprenticeship.

(a) The instruction shall include:

1. The laws relating to the profession, including KRS Chapter 316 and 201 KAR Chapter 15; and

2. The theory and application of funeral directing or embalming.

(b) The training and work assignments for apprentice embalmers shall cover the following service items:

1. Initial call details;

2. Removals;

3. Embalming;

4. Restorative art treatment;

5. Posing body and features;

6. Bathing and ***cosmeticizing*** [~~*cosmetizing*~~] of bodies;

7. Dressing and casketing of bodies;

8. Recordkeeping;

9. Purchasing of necessary supplies;

10. Preparation of autopsied bodies;

11. Care and maintenance of equipment and embalming room; and

12. Professional responsibility.

(c) The training and work assignments for apprentice funeral directors shall cover the following service items:

1. Initial call details;
2. Removals;
3. Counseling of families on the types of services and merchandise available;
4. Arrangements of funeral services and merchandise;
5. Preparing death certificates and documents;
6. Preparing applications for certain death benefits, such as Social Security, Veterans Administration, insurance **[companies]**, and lodges;
7. Preparing newspaper notices;
8. Conducting visitations or memorial services;
9. Directing funerals and graveside services;
10. Follow-up service to the family after the funeral service has been completed;
11. Recordkeeping;
12. Purchasing of necessary supplies;
13. Caring for equipment and premises; and
14. Professional responsibility.

Section 3. Supervision of Apprentices.

(1) Supervision of embalmer apprentices.

(a) For the first twenty-five (25) cases with which an embalmer apprentice assists and throughout the first six (6) months of training, the supervisor or the supervisor's designee shall be present with the apprentice and provide direct supervision of all of the apprentice's embalming activities.

(b) After the apprentice has completed both twenty-five (25) cases and six (6) months of the apprenticeship, the apprentice may perform embalming services if the supervisor or the supervisor's designee is available for consultation and supervision, in accordance with KRS 316.010(14).

(c) The supervisor shall notify the board in writing on the Level II Apprentice Registration Form that the apprentice has completed the required twenty-five (25) cases before allowing the apprentice to embalm without direct supervision. The embalmer Level II registration fee required by 201 KAR 15:030 shall be submitted with the Level II Apprentice Registration Form. The Level II apprenticeship shall commence upon receipt of a Level II apprentice card issued by the board. The supervisor or the supervisor's designee shall continue to supervise the apprentice, in accordance with KRS 316.010(14) and 316.030(4)(e), for the duration of the apprenticeship.

(d) A Level II apprenticeship may continue for a period of up to three (3) years while the apprentice completes the apprenticeship requirements and takes the licensure examination.

(e) An apprentice should take the first examination for licensure within sixty (60) days of completion of all other apprenticeship requirements.

(f) For any **[apprenticeship]** violation of the rules of the apprenticeship, or other rules applicable to the professions of embalming or funeral directing, the board may extend the period of apprenticeship as part of disciplinary action.

(g) The board may grant extensions of any apprenticeship upon application for an extension by an apprentice and demonstration by the apprentice of good cause or extenuating circumstances upon which an extension should be granted.

(2) Supervision of funeral director apprentices.

(a) For the first twenty-five (25) cases with which a funeral director apprentice assists and throughout the first six (6) months of training, the supervisor or the supervisor's designee shall provide direct supervision during all of an apprentice's funeral directing activities.

(b) After the apprentice has completed both twenty-five (25) cases and six (6) months of the apprenticeship, the apprentice may perform funeral directing services if the supervisor or the supervisor's designee is available for consultation and supervision, in accordance with KRS 316.010(14).

(c) The supervisor shall notify the board in writing on the Level II Apprentice Registration Form that the apprentice has completed the required twenty-five (25) cases before allowing the apprentice to practice funeral directing without direct supervision. The funeral director Level II registration fee required by 201 KAR 15:030 shall be submitted with the Level II Apprentice Registration Form. The Level II apprenticeship shall commence upon receipt of a Level II apprentice card issued by the board. The supervisor or the supervisor's designee shall continue to supervise the apprentice, in accordance with KRS 316.010(14) and 316.030(4)(f), for the duration of the apprenticeship.

(d) A Level II apprenticeship may continue for a period of up to three (3) years while the apprentice completes the apprenticeship requirements and takes the licensure examination.

(e) An apprentice should take the first examination for licensure within sixty (60) days of completion of all other apprenticeship requirements.

(f) For any apprenticeship violation of the rules of the apprenticeship, or other rules applicable to the professions of embalming or funeral directing, the board may extend the period of apprenticeship as part of disciplinary action.

(g) The board may grant extensions of any apprenticeship upon application for an extension by an apprentice and demonstration by the apprentice of good cause or extenuating circumstances upon which an extension should be granted.

(3) Removals.

(a) The supervisor or the supervisor's designee shall be present and provide direct supervision during the removal of bodies for the first six (6) months of the apprenticeship and the first twenty-five (25) removals assisted in by the apprentice.

(b) After an apprentice has served six (6) months of apprenticeship and assisted with twenty-five (25) removals, an apprentice may make removals without the direct supervision of the supervisor or the supervisor's designee if the supervisor has determined that the apprentice is competent to perform removals without direct supervision.

(c) The supervisor shall notify the board in writing on the Level II Apprenticeship Registration Form that the apprentice has completed the required twenty-five (25) removals and that the supervisor's approval has been given for the apprentice to make removals without direct supervision before the apprentice may begin making these removals.

(d) An individual who obtains or holds a permit from this board to transport dead human bodies shall not use transport removals performed under that permit to accumulate the number of removals required to complete an apprenticeship. All apprenticeship removals shall be performed within the requirements of the apprenticeship and supervision. Hours accumulated performing removals under a Transport Permit shall not count toward an apprentice's average weekly work hours requirement.

(4) Calendar.

(a) The apprentice shall maintain a calendar at the registered location of the apprenticeship that includes the apprentice's work schedule documenting an average of forty (40) regular hours per week that he or she has worked. The calendar shall be reviewed and signed on a daily basis by the supervisor to indicate that the supervisor has reviewed and approved the apprentice's work. The calendar shall be available for inspection by the state inspector during any inspection of the establishment. The calendar shall be maintained by an apprentice until the apprentice passes the required examinations and becomes licensed or the end of the apprenticeship, whichever comes first.

(b) The calendar shall identify:

1. The daily work schedule of the apprentice, including beginning and ending times; ~~and~~
2. The days on which the apprentice does not work; and
3. Activities completed within the work schedule.

(5) An apprentice may work at the funeral establishment more hours per week than required by subsection (4) of this section. An apprentice may also attend mortuary school classes or complete mortuary school classwork while serving an apprenticeship, but shall still work an average of forty (40) hours per week under the apprenticeship.

(6) If an apprentice's supervisor of record is replaced within the same establishment during the apprenticeship period, a Change of Supervisor form shall be completed and submitted within thirty (30) days following the change.

Section 4. Terminating and Reestablishing an Apprenticeship.

(1) Within five (5) days of the termination of an apprenticeship, the supervisor of record and the apprentice shall notify the board in writing of the termination, including the date on which the apprenticeship ceased.

(2) ***Within thirty (30) days of being employed by another establishment,*** an apprentice funeral director or embalmer whose apprenticeship is terminated at the establishment originally identified to the board shall ~~***notify the board***~~ ***[within thirty (30) days of being employed by another]*** ~~[funeral director or embalmer]~~ ***[establishment]:***

(a) Notify the board in writing of the change in employment and apprenticeship by completing and submitting an Apprentice Registration ~~[a Change of Supervisor]~~ form; ***and***

(b) Appear before the board with the supervisor at the time and place identified by the board. ~~[Identify the name, street address, and license number of the funeral director or embalmer under which the apprentice is continuing the apprenticeship; and~~

~~(c) Complete a new registration as set out in Section 2 of this administrative regulation that is signed by the licensed funeral director or embalmer who is to be the apprentice's new supervisor of record.]~~

(3)(a) ***A leave of apprenticeship may be taken by*** an apprentice funeral director or embalmer who is unable to perform the duties of the apprenticeship for a period of two (2) weeks or more because of:

1. ~~(a)~~ The birth of a child and to care for the newborn child within one (1) year of birth;
2. ~~(b)~~ The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one (1) year of placement;
3. ~~(c)~~ To care for the employee's spouse, child, or parent who has a serious health condition;

4.~~[(d)]~~ A serious health condition that makes the employee unable to perform the essential functions of his or her job; ~~[or]~~

5.~~[(e)]~~ Any qualifying exigency arising out of the fact that the apprentice or their~~[employee's]~~ spouse, son, daughter, or parent is a military member on covered active duty; ~~or~~ ~~[shall immediately notify the board of:]~~

6. Active, full-time enrollment in an accredited mortuary school.

(b) The apprentice shall, within five (5) business days **of commencement of leave**, inform the board of:

1. The date on which the apprentice became unable to perform the duties; and

2. The date on which the apprenticeship will be recommenced, not to exceed six (6) months following the commencement of the leave from apprenticeship, except **for military service** or mortuary school.

(4) An apprenticeship shall end ten (10) days after the administration of the **first [1st]** exam opportunity for a Level I apprentice or ten (10) days after the **second [2nd]** examination opportunity for a Level II apprentice~~[not end later than the administration of the second examination]~~ for which the apprentice is eligible.

(5) ~~[At any time an apprenticeship ceases, or]~~ An **apprentice whose** apprenticeship **[which]** becomes inactive under **this section [these administrative regulations]**, or is completed without testing, ~~[an apprentice]~~ shall not lose credit for the time served in the apprenticeship. An apprentice whose apprenticeship has ceased or become inactive may be reinstated to **the** apprenticeship by notice to the board including the name of the apprentice's supervisor upon his or her return to active apprenticeship, the establishment at which the apprentice is employed, and payment of a processing fee as established in 201 KAR 15:030. The reinstated apprentice shall be responsible for compliance with all other apprenticeship requirements from the date of reinstatement forward.

Section 5. Sworn Statements.

(1) An apprentice shall file the Apprenticeship Sworn Statement required by KRS 316.030(7) on or before May 1 and November 1 of each year relating to the six (6) month period ending with the preceding middle of April or middle of October, respectively.

(2) The Apprenticeship Sworn Statement shall include:

(a) The first and last names **of the deceased** and **the** dates of funerals in which the apprentice for a funeral director's license assisted in managing during each six (6) month period;

(b) The first and last names **of the deceased** and **the** dates of embalming **[cases]** in which the apprentice for an embalmer's license assisted during each six (6) month period; and

(c) The ~~**[first and last names of the**~~ service items set forth in Section 3(6) of this administrative regulation specifically identified for each case in which the apprentice assisted during each six (6) month period.

(3) With the initial sworn statement, an apprentice shall file a report written by the **apprentice [applicant]** summarizing the requirements of KRS Chapter 316 and 201 KAR Chapter 15.

(4) With subsequent sworn statements, an apprentice shall file a report written by the **apprentice [applicant]** on an article or a book related to embalming or funeral directing read by the **apprentice [applicant]** during the six (6) month period. **The report [it]** shall contain a reference that includes the author, title, month and year of publication, and page numbers.

(5) The reports required by subsections (3) and (4) of this section shall be two (2) pages at a minimum and typed.

(6) Except for the initial book report ***established in subsection (3) of this section***, an apprentice in mortuary school shall be exempt from the book report requirements of ***subsection [subsections] [(3)](4) [through (5)]*** of this section if the apprentice submits the number of hours he or she is enrolled on the Apprenticeship Sworn Statements.

(7)

(a) The supervisor of record shall sign the sworn statements and certify that the apprentice has completed the cases and service items identified in the statement.

(b) If the apprentice has received supervision from a supervisor's designee, the supervisor of record shall still be responsible for:

1. The activities of the apprentice;
2. Signing the sworn statement; and
3. The certification of completion of cases and service items identified in the statement.

(8) Before the activities of the apprentice can count toward the requirements of KRS 316.030(4)(f) or (5)(e), the case shall include the following service items:

(a) For an embalming case, the apprentice shall have participated in the service items listed in Section ***2 [4](6)(b)3*** through 7 of this administrative regulation; and

(b) For a funeral directing case, the apprentice shall have participated in the service items listed in Section ***2 [4](6)(c)3*** through 9 of this administrative regulation.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Apprenticeship Application", 6/2024[7/2022];
- (b) "Change of Apprentice Supervisor", 6/2024[9/2019];
- (c) "Apprenticeship Sworn Statement", 6/2024[9/2019];
- (d) "Level II Apprentice Application", 6/2024[9/2019]; and
- (e) "Apprentice Travel Form", 6/2024; and[2017]
- (f) "Apprenticeship Change/Reinstatement", 6/2024.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Embalmers and Funeral Directors, 9114 Leesgate Rd, Ste 4, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. Materials incorporated by reference can also be found on the Kentucky Board of Embalmers and Funeral Directors Web site at: <https://kbefd.ky.gov/Pages/forms.aspx>.

CONTACT PERSON: Kanetha Dorsey, Executive Director of Kentucky Board of Embalmers and Funeral Directors, 9114 Leesgate Road, Suite 4, Louisville, Kentucky 40222, phone 502-426-4589, fax 502-426-4117, email Kanetha.dorsey@ky.gov.

ANDY BESHEAR
GOVERNOR



JACQUELINE COLEMAN
LIEUTENANT GOVERNOR



Kentucky Board of Embalmers and Funeral Directors

Board Members

Jonathan Rideout, Chair
Jack "Sonny" Meyer, Vice Chair
Robert Garner
Roth Mason
Ronald Raymond

9114 Leesgate Rd Ste 4
Louisville KY, 40222
502-426-4589
800-866-3256
502-426-4117
kbefd.ky.gov

Staff Members

Kanetha Dorsey, Executive Director
Danielle Webb, Inspector
Rose Twiford, Executive Assistant

Board Attorney

John Blevins, Esq.

Senator West
Representative Lewis
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort, KY 40601

Dear Co-Chairs:

After consideration of the issues raised by 201 KAR 15:030, 201 KAR 15:050, 201 KAR 110, 201 KAR 15:120, and 201 KAR 15:125, the Board of Embalmers & Funeral Directors proposes the attached suggested substitute to these ordinary regulations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kanetha Dorsey".

Kanetha Dorsey
Kentucky Board of Embalmers & Funeral Directors
9114 Leesgate Rd, Ste 4
Louisville, KY 40222

**Subcommittee Substitute
Final Version**

**BOARDS AND COMMISSIONS
Board of Embalmers and Funeral Directors
(As Amended at ARRS)**

201 KAR 15:110. Funeral establishment criteria.

RELATES TO: KRS 316.010, 316.030, 316.125, 316.127, 316.130, 316.260, 16 C.F.R. 453.2(b)(2)-(5), 29 U.S.C. 651

STATUTORY AUTHORITY: KRS 316.125(1), 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.125(1) prohibits operating a full-service funeral establishment, a visitation and ceremonial funeral service establishment, or an embalming service establishment without first obtaining the applicable license from the board. KRS 316.210(1) authorizes the board to promulgate administrative regulations to carry out and enforce the provisions of KRS Chapter 316. This administrative regulation establishes the minimum requirements for the licensing and operation of a funeral establishment.

Section 1. General Requirements.

- (1) The interior and exterior of the establishment shall be kept free and clean of litter, dirt, debris, and clutter or other objects or conditions that present a potential or actual hazard to the health, safety, or welfare of the public and the funeral establishment's employees.
- (2) Only the following persons shall be permitted in a preparation room during the course of embalming a dead human body:
 - (a) Employees of the establishment where the human body is being embalmed;
 - (b) Registered apprentices;
 - (c) Members of the family of the deceased;
 - (d) Authorized representatives of the deceased; or
 - (e) Any other individual otherwise allowed by law.
- (3) An establishment shall maintain the following documents, if applicable:
 - (a) Board approved embalming reports that include:
 1. The name of each body embalmed;
 2. The date of death;
 3. The date and time that the embalming took place;
 4. The name and signature of the embalmer; and
 5. The embalmer's license number;
 - (b) Proper documentation of the authorization to embalm; and
 - (c) Accurate and current copies of:
 1. The casket price list;
 2. The outer burial container price list;
 3. The general price list; and
 4. The statement required by the Federal Trade Commission in 16 C.F.R. 453.2(b)(2) through (5), as maintained in the general practice of the establishment.

(4) An establishment shall maintain embalming reports and documentation of authorization to embalm for a minimum of three (3) years.

(5) Establishments located in any public office building, strip mall, public storage, mini-storage, mini-warehouse, multiunit storage complex, or similar facility used by the general public for the storage of goods shall be ineligible for a license.

(6) The building in which an establishment is located, and any sidewalks and parking areas provided adjacent to the establishment, shall be in conformity with the requirements of the applicable federal, state and local statutes, administrative regulations, ordinances, and zoning provisions relating to publicly-accessible buildings and establishments.

(7) An establishment shall display a sign that:

(a) Identifies the name of the establishment; and

(b) Is in a location visible from an adjacent public road.

(8) An establishment shall have adequate rest room facilities for members of the public if public funeral services or visitation or ceremonial services shall be conducted in the establishment.

(9) The owner or manager of a Kentucky licensed funeral establishment may contract with a Kentucky licensed embalmer employed by another Kentucky licensed funeral establishment to provide embalming services at the Kentucky licensed funeral establishment and pay the contracted Kentucky licensed embalmer for services rendered.

Section 2. Visitation and Ceremonial Funeral Service Establishment. An establishment that provides visitation and ceremonial funeral services shall have:

(1) A viewing area or chapel that shall be at least 400 square feet in size; and

(2) The applicable equipment necessary for conducting and arranging funeral services, including:

(a) Tables or desks and chairs for arrangement conferences;

(b) Seating for the viewing room;

(c) Casket bier;

(d) Register book stand;

(e) Officiant stand;

(f) Flower display stands; and

(g) Organ, piano, music-producing equipment, or any suitable combination of these items.

Section 3. Embalming Service Establishment.

(1) An establishment that provides embalming services shall:

(a) Have facilities and a preparation room that comply with the requirements of the Occupational Safety and Health Act, 29 U.S.C. 651;

(b) Have at least one (1) approved embalming table and all professional instruments necessary for embalming and the preparation of dead human bodies; and

(c) Ensure that a preparation room shall not be used as a storage area other than for supplies pertaining to the embalming and preparation of dead human bodies.

(2) Human remains shall **[not]** be prepared for disposition **[except]** by a licensed embalmer or a Level 2 apprentice, in accordance with KRS 316.030, in a preparation room that meets the requirements of this administrative regulation.

(3) All windows and doors shall be constructed or screened to prevent persons from looking into the preparation room.

- (4) Each preparation room entrance shall be lockable, shall be locked when not in use, and shall display a sign indicating private or restricted entry.
- (5) Licensed embalmers may perform removals and transport dead bodies.

Section 4. Full Service Funeral Establishments. A full service funeral establishment shall have:

- (1) An area available to the public devoted to the display of funeral merchandise. Caskets or casket sections may be viewed by sample, computer, catalog, or other display that corresponds to the current general price list for the funeral establishment; and
- (2) A separate room or office for arranging funerals. This room may be used to satisfy the requirements of subsection (1) of this section.

Section 5. Inspections.

- (1) Each establishment shall be subject to inspection at the convenience of the board inspector.
 - (a) An establishment that is sited on more than one (1) parcel of real estate shall be required to notify the inspector of the location and identity of the separate parcels, and shall be charged a separate inspection fee **[as set forth in this administrative regulation]** for each separate parcel, as if each parcel were a separately-licensed establishment.
 - (b) Failure of the establishment to be open and available for an inspection within a reasonable period of time after the inspector requests access for inspection shall be deemed by the board to be a violation of KRS Chapter 316, including KRS 316.150(1)(a), and may subject the establishment and its establishment manager to disciplinary action.
- (2) The inspector shall inspect the establishment to see if it has suitable and dignified quarters appropriate for the category of services for which it is licensed.
- (3) An establishment that provides embalming services shall have completed and signed embalming reports available for inspection upon request.
- (4) The following forms shall be available for inspection or copying by the inspector:
 - (a) A current general price list of charges for services to the public;
 - (b) A current price list of caskets as charged to the public;
 - (c) A current price list of outer burial containers as charged to the public; and
 - (d) All apprentice calendars and apprentice travel forms.
- (5)
 - (a) An establishment seeking an initial inspection for the purpose of obtaining a new license under KRS Chapter 316 may request the inspection by the inspector of the Board of Funeral Directors and Embalmers of the Commonwealth of Kentucky, and shall be assessed a fee, as established in 201 KAR 15:030, for the inspection. This fee shall cover the inspector's initial visit, and one (1) subsequent visit for re-inspection to assure that any initial deficiencies have been cured.
 - (b) An establishment licensed under KRS Chapter 316 that is routinely inspected by the inspector of the Board of Funeral Directors and Embalmers of the Commonwealth of Kentucky shall be assessed an inspection fee, as established in 201 KAR 15:030, payable to the board. This fee shall not be assessed more than one (1) time per calendar year.
 - (c) An establishment licensed under KRS Chapter 316 that requires a re-inspection within a period of three (3) months following a routine inspection, due to a deficiency found by the inspector of the Board of Funeral Directors and Embalmers of the Commonwealth of Kentucky on a routine inspection, shall be assessed a re-inspection fee, as established in 201 KAR 15:030. This fee shall

be paid regardless of any disciplinary action that otherwise may be taken against the establishment for the failure of the inspection.

(d) An establishment licensed under KRS Chapter 316 may request an inspection by the inspector of the Board of Funeral Directors and Embalmers of the Commonwealth of Kentucky, and shall pay a fee, as established in 201 KAR 15:030, for the inspection.

(e) If an establishment fails three (3) consecutive inspections within a period of six (6) months, any subsequent inspections required to determine if the failures have been cured shall require payment, as established in 201 KAR 15:030, for each subsequent inspection. ***If an establishment has [~~In an instance of~~]*** three (3) consecutive failures of inspections within six (6) months, the board may also, in its sole discretion, direct that the establishment in question cease operations for an appropriate period of time to permit the establishment to become compliant, and may assess a fine based upon the violations and failure to correct same.

(f) Inspection fees shall be invoiced by the board to the licensee, and shall not be due at the time of the inspection.

Section 6. Establishment Manager.

(1) Each establishment shall have a Kentucky-licensed funeral director, a Kentucky-licensed embalmer, or an individual licensee as required by KRS 316.125(2)(b)(5) to manage and supervise the establishment.

(2) The establishment shall notify the board of a change of the funeral director or the establishment manager by submitting the [~~Information and Name Change~~]Establishment Update Application signed by the licensed owner and the new establishment manager within five (5) working days of the change.

(3) An establishment manager who leaves the employment of an establishment shall notify the board in writing within five (5) working days of the departure.

Section 7. Transferability.

(1) Establishment licenses shall not be transferable.

(2) If a sale or lease occurs:

(a) The existing establishment license may remain in force by mutual consent of the parties for a period of thirty (30) days or until the next regularly scheduled board meeting, whichever occurs first.

(b) During the transition period, the establishment shall be operated under the name shown on the existing license until a new license is issued.

(c) An application for a new license shall be submitted for review at the next board meeting following the sale or lease.

(3) If a relocation or name change occurs, an Information and Name Change Application shall be submitted to the board.

(4) (a) Following the death of a Kentucky-licensed owner, funeral director, or embalmer, the establishment may operate for ninety (90) days while under temporary supervision by a licensed funeral director or embalmer. A licensee who is already identified as the establishment manager for another establishment under KRS 316.125(4) may act as the temporary establishment manager for the establishment under this section for the limited ninety (90) day period.

- (b) The temporary establishment manager shall be identified to the board in writing by letter within fifteen (15) days of the death of the Kentucky-licensed owner, funeral director, or embalmer.
- (c) A licensee may be the temporary establishment manager for only one (1) establishment at a time.

Section 8. Opening of an Establishment.

- (1) An establishment shall not operate or be opened for business prior to passing an inspection by the state board inspector and the issuance of an establishment license by the board for that establishment.
- (2) To apply for an establishment license, the following shall be submitted to the board:
 - (a) A completed Establishment Application;
 - (b) The fee required by 201 KAR 15:030;
 - (c) A picture of the establishment and signage;
 - (d) A picture of the establishment manager;
 - (e) If purchasing the establishment, a certified copy of the property deed or other document demonstrating the property transfer and applicant's ownership;
 - (f) If a corporation, the articles of incorporation;
 - (g) If a partnership, the partnership agreement;
 - (h) If a limited liability company, the LLC agreement; and
 - (i) If the property is not owned by the applicant, a commercial lease, certificate of occupancy, or other legal document that demonstrates that the applicant has possession and control of the premises sufficient to be responsible for the property being configured to meet the requirements of ***this administrative regulation [these regulations]***.
- (3) Violation of this section shall be grounds for denial of the application for the license by the board.
- (4) All establishment licenses shall expire July 31 of each year. Establishments shall renew by submitting the following to the board:
 - (a) An Establishment Renewal Application;
 - (b) The renewal fee established in KRS 316.130(4) and 201 KAR 15:030; and
 - (c) A list of all licensed funeral directors and embalmers affiliated with the establishment.

Section 9. ~~Advertising and~~ Signage.

- (1) An establishment shall use the exact name listed on the license for the establishment in all advertisements and signage.
- (2) Descriptive terms shall be distinctly separated from the name of the establishment in all signage and advertisements unless registered as part of the official name.
- (3) Any advertising, designation, or signage for the funeral establishment shall match the classification on the establishment's license.

Section 10. Advertising.

- (1) A funeral establishment may engage in activity to advertise and promote its business.
- (2) Promotional activity shall be available to the public and not intended to solicit the purchase of a funeral.

(3) A funeral establishment may sponsor and participate in community activities. Personal information provided by individuals attending community activities, educational activities, participating in raffles or other activities, shall not be used to contact them following the activity. A funeral establishment may respond to a question but shall not initiate contact regarding the purchase of a funeral. Any document or registration that has personal information included shall contain the following information: "The information provided shall not be used ~~[by XYZ-FH]~~ to contact **a person [me]** regarding the purchase of a funeral. If **a person is [you are]** contacted about the purchase of a funeral following an event sponsored by or in part by a funeral establishment, please contact the Kentucky State Board of Embalmers and Funeral Directors ~~at/:~~ 502-426-4589."

(4) Meal and learn sessions shall not be considered solicitation so long as the sponsoring license holder does not collect information from attendees (information not to be collected includes names, addresses, telephone numbers, or any other form of contact for direct communication). ~~[The]~~ Attendees may **contact the sponsoring license holder [reach-out]** after the event ~~[to the sponsoring license holder]~~, but the sponsoring license holder shall not contact attendees directly after the event.

Section 11. Closure of an Establishment.

(1) If an establishment is to be closed, for any reason, the establishment licensee shall notify the board that the establishment is to be closed, and whether the closure is permanent or for a specified period of time using the appropriate form and shall return the establishment license to the board office in the case of permanent closure within ten (10) days of closure.

(2) An establishment that is closing shall give notice of closure to the Office of the Attorney General together with a listing of any pre-need contracts that remain in effect for the closing establishment.

(3) The licensee for a closing establishment shall give written notice of closure to clients with whom the establishment has a pre-need contract, and shall include in that notice how the establishment intends to honor its contractual obligation.

Section 12.~~[Section 11:]~~ Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Establishment Application", 6/2024~~[9/2019]~~;
- (b) "**Establishment Update~~[Information and Name Change]~~**Application", 6/2024~~[9/2019]~~; ~~and~~
- (c) "Establishment Renewal Application", 6/2024~~[2017]~~;
- (d) "Notice of Manager/Owner Death", 6/2024; and
- (e) "Establishment Closure Form", 6/2024.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Embalmers and Funeral Directors, 9114 Leesgate Rd, Ste 4, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. **Material incorporated by reference can also be found on the Kentucky Board of Embalmers and Funeral Directors Web site at: <https://kbefd.ky.gov/Pages/forms.aspx>.**

CONTACT PERSON: Kanetha Dorsey, Executive Director, 9114 Leesgate Rd, Ste 4, Louisville, Kentucky 40222, phone 502-426-4589, fax 502-426-4117, email kanetha.dorsey@ky.gov.

ANDY BESHEAR
GOVERNOR



JACQUELINE COLEMAN
LIEUTENANT GOVERNOR



Kentucky Board of Embalmers and Funeral Directors

Board Members

Jonathan Rideout, Chair
Jack "Sonny" Meyer, Vice Chair
Robert Garner
Roth Mason
Ronald Raymond

9114 Leesgate Rd Ste 4
Louisville KY, 40222
502-426-4589
800-866-3256
502-426-4117
kbehd.ky.gov

Staff Members

Kanetha Dorsey, Executive Director
Danielle Webb, Inspector
Rose Twiford, Executive Assistant

Board Attorney

John Blevins, Esq.

Senator West
Representative Lewis
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort, KY 40601

Dear Co-Chairs:

After consideration of the issues raised by 201 KAR 15:030, 201 KAR 15:050, 201 KAR 110, 201 KAR 15:120, and 201 KAR 15:125, the Board of Embalmers & Funeral Directors proposes the attached suggested substitute to these ordinary regulations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kanetha Dorsey".

Kanetha Dorsey
Kentucky Board of Embalmers & Funeral Directors
9114 Leesgate Rd, Ste 4
Louisville, KY 40222

**Subcommittee Substitute
Final Version**

**BOARDS AND COMMISSIONS
Board of Embalmers and Funeral Directors
(As Amended at ARRS)**

201 KAR 15:120. Requirements for applicants holding a license in another state.

RELATES TO: KRS 316.140(1)

STATUTORY AUTHORITY: KRS 316.140, 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.140(1) authorizes the Board of Embalmers and Funeral Directors to issue a license to an applicant that is licensed in another state and who has met the same or similar requirements for a license as the standards set out in KRS 316.030. This administrative regulation establishes the criteria for determining whether applicants who are licensed in another state qualify for a Kentucky embalmer's license or a Kentucky funeral director's license.

Section 1.

(1) The board shall accept an applicant licensed in another state as eligible to apply for an embalmer's or funeral director's license who has:

(a) A diploma from a school of mortuary science that is accredited by the American Board of Funeral Service Education or its predecessor; and

(b) Either:

1. Thirty (30) semester or forty-five (45) quarter hours of college credit from an accredited college or university as shown on an official transcript; or

2. Engaged in the fulltime practice of embalming or funeral directing under licensure for ten (10) of the twelve (12) years immediately preceding the date of the application as demonstrated by the submission of W-2 forms or an affidavit from two (2) licensed embalmers or funeral directors in his state of original licensure which verify that he has been so engaged in practice full time.

(2) An applicant from another state shall:

(a) Submit a copy of his or her current license verification from the state in which he is licensed;

(b) Pass the current Kentucky jurisprudence examination ~~[or]~~ and examinations for a funeral director license or embalmer license or both, as applicable;

(c) Submit a recently ~~[-]~~ completed (within the preceding ninety (90) days) National Criminal Justice Information System (CJIS) report obtained by the applicant from [the Federal Bureau of Investigation (FBI)]an agency approved by the Kentucky Board of Embalmers and Funeral Directors;

(d) Inform the board of any disciplinary actions in states where he or she held a license; and

(e) Pay the examination fee and the fees required by 201 KAR 15:030.

Section 2. Incorporation by Reference. (1) "Application for Licensure", 6/2024, is incorporated by reference.

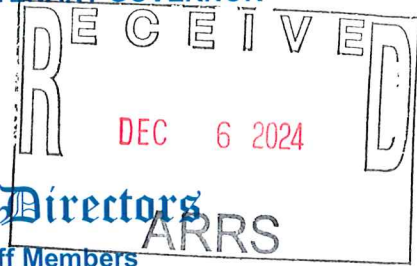
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Embalmers and Funeral Directors, 9114 Leesgate Rd, Ste 4, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. Materials incorporated by reference can also be found on the Kentucky Board of Embalmers and Funeral Directors Web site at: <https://kbefd.ky.gov/Pages/forms.aspx>.

CONTACT PERSON: Kanetha Dorsey, Executive Director of Kentucky Board of Embalmers and Funeral Directors, 9114 Leesgate Road, Suite 4, Louisville, Kentucky 40222, phone 502-426-4589, fax 502-426-4117, email Kanetha.dorsey@ky.gov.

ANDY BESHEAR
GOVERNOR



JACQUELINE COLEMAN
LIEUTENANT GOVERNOR



Kentucky Board of Embalmers and Funeral Directors

Board Members

Jonathan Rideout, Chair
Jack "Sonny" Meyer, Vice Chair
Robert Garner
Roth Mason
Ronald Raymond

9114 Leesgate Rd Ste 4
Louisville KY, 40222
502-426-4589
800-866-3256
502-426-4117
kbefd.ky.gov

Staff Members

Kanetha Dorsey, Executive Director
Danielle Webb, Inspector
Rose Twiford, Executive Assistant

Board Attorney

John Blevins, Esq.

Senator West
Representative Lewis
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort, KY 40601

Dear Co-Chairs:

After consideration of the issues raised by 201 KAR 15:030, 201 KAR 15:050, 201 KAR 110, 201 KAR 15:120, and **201 KAR 15:125**, the Board of Embalmers & Funeral Directors proposes the attached suggested substitute to these ordinary regulations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kanetha Dorsey".

Kanetha Dorsey
Kentucky Board of Embalmers & Funeral Directors
9114 Leesgate Rd, Ste 4
Louisville, KY 40222

**Subcommittee Substitute
Final Version**

**BOARDS AND COMMISSIONS
Board of Embalmers and Funeral Directors
(As Amended at ARRS)**

201 KAR 15:125. Surface transportation permit.

RELATES TO: KRS 316.165

STATUTORY AUTHORITY: KRS 316.165, 316.210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.210 authorizes the Board of Embalmers and Funeral Directors to promulgate administrative regulations to carry out and enforce the provisions of KRS Chapter 316. KRS 316.165(1) authorizes the board to issue a permit to an applicant for the sole and limited purpose of being allowed to provide surface transportation of dead human bodies. This administrative regulation establishes the criteria for issuance of these permits.

Section 1. Application.

(1) An applicant seeking a permit to provide surface transportation for dead human bodies shall be of the age of eighteen (18) prior to submitting an application.

(2) An applicant applying for a permit to provide surface transportation and removal services for dead human bodies shall submit:

(a) A completed and signed application form [~~,"Surface Transportation & Removal Permit Application", 3/2022~~];

(b) The fee established in 201 KAR 15:030;

(c) Evidence of recent (within the previous twelve (12) months) training and compliance with the standards of the Occupational Safety and Health Administration for universal precautions and blood-borne pathogens, 29 [Code of Federal Regulations (C.F.R.)] 1910.1030;

(d) Two (2) passport-sized photographs of the applicant;

(e) An official copy of a Criminal Justice Information System (CJIS) report obtained [~~from the Federal Bureau of Investigation~~]from an agency approved by the Kentucky Board of Embalmers and Funeral Directors no more than ninety (90) days prior to the application; **[and]**

(f) Evidence of possession and control or ownership of an appropriate vehicle and necessary supplies for surface transportation of dead human bodies by providing proof of insurance with not less than thirty (30) days before the expiration date; and

(g) Proof of an active driver's license.

(3)

(a) An appropriate vehicle shall have enclosed cargo space of sufficient size to transport a dead human body securely and without exposure to weather.

(b) Necessary supplies shall include:

1. Mortuary or ambulance cot;
2. Collapsible or flexible stretcher;
3. Sheets and cot cover;
4. Pillow or head block;

5. Rubber or plastic sheeting;
6. Towels;
7. Zippered mortuary body bag or disaster pouch;
8. Straps;
9. Protective clothing; and
10. Sanitary accessories.

Section 2. Examination.

- (1) An applicant seeking a surface transportation permit shall be required to pass an examination on Kentucky laws and transport procedures. The examination fee established in 201 KAR 15:030 shall be paid at the time of application.
- (2) The examination shall be administered at the conclusion of the course.
- (3) The board shall offer a training course related to the subject matter of the examination.

Section 3. Scope of Permit.

- (1) Permit holders shall only engage in surface transportation of dead human bodies requested by an authorized person from the establishment by which the permit holder is employed. Surface transportation shall be limited to obtaining the dead human bodies from the location from which the transportation services were requested and transporting the dead human bodies to the establishment by which the permit holder is employed.
- (2) To establish that the permit holder is employed by the establishment to which transport is being requested, a permit holder shall present a photo identification to the person or establishment requesting transport.
- (3) Permit holders shall not engage in any services of funeral directing or embalming or distribute any documents or materials related to those services.
- (4) Permit holders may only be employed by one (1) establishment and its registered affiliate establishments at one (1) time.
- (5) Permit holders ***shall [must]*** register to assist affiliated establishments and pay the applicable fee for each establishment.
- ~~(6)~~~~(5)~~ Permit holders shall not be required to use a casket for transportation of dead human bodies, but shall be required to use a container as may be required by OSHA guidelines.
- ~~(7)~~~~(6)~~ An individual who obtains or holds a permit from this board to transport dead human bodies shall not use transport removals performed under that permit to accumulate the number of removals required to complete an apprenticeship. All apprenticeship removals shall be performed within the requirements of the apprenticeship and under supervision, to the extent set forth in ~~[these]~~ administrative regulations ***promulgated by the board.*** Hours accumulated in performing removals under a Transport Permit shall not be counted toward the apprentice's weekly work hours requirement.

Section 4. Permit Issuance and Renewal.

- (1) The Surface Transportation Permit issued or renewed under this administrative regulation shall expire July 31 following the date of issuance unless sooner revoked, surrendered, or canceled.~~[be effective for a period of one (1) year from its date of issuance.]~~
- (2) An individual seeking renewal of the Surface Transportation Permit shall submit to the board:

- (a) A completed Surface Transportation and Removal Permit Application with the Renewal box checked and shall include on the form any new or changed information;
- (b) A renewal fee as established in 201 KAR 15:030; ~~and~~
- (c) Evidence of possession and ~~that the permit holder has in his or her possession or~~ control or ownership of an appropriate ~~acceptable~~ vehicle and the necessary ~~requisite equipment and~~ supplies ~~for ~~to perform~~~~ surface transportation of dead human bodies by providing proof of insurance with not less than thirty (30) days before the expiration date;
- (d) Evidence of recent (within the previous twelve (12) months) training and compliance with the standards of the Occupational Safety and Health Administration for universal precautions and blood-borne pathogens, 29 C.F.R. 1910.1030;
- (e) Two (2) passport-sized photographs of the applicant as requested; and
- (f) Proof of an active driver's license.

Section 5. Incorporation by Reference.

- (1) "Surface Transportation & Removal Permit Application", 6/2024~~3/2022~~, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Embalmers and Funeral ~~Home~~ Directors, 9114 Leesgate Rd., ~~Ste~~Suite 4, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. Materials incorporated by reference can also be found on the Kentucky Board of Embalmers and Funeral Directors Web site at <https://kbefd.ky.gov/Pages/forms.aspx>.

CONTACT PERSON: Kanetha Dorsey, Executive Director, 9114 Leesgate Rd, Ste 4, Louisville, Kentucky 40222, phone 502-426-4589, fax 502-426-4117, email kanetha.dorsey@ky.gov.

Andy Beshear
Governor



John C. Park, DVM
Board Chairman

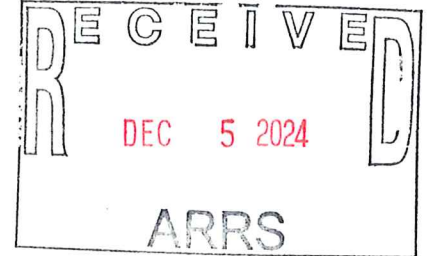
KENTUCKY BOARD OF VETERINARY EXAMINERS

4047 Iron Works Parkway, Suite 104, Lexington, KY 40511

Office: 502-564-5433 • Fax: 502-753-1458

kbve.ky.gov • vet@ky.gov

December 5, 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, Kentucky 40601

RE: 201 KAR 16:562

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by **201 KAR 16:562**, the Kentucky Board of Veterinary Examiners (KBVE) proposes the attached amendment to 201 KAR 16:562.

Sincerely,

A handwritten signature in blue ink that reads "Michelle M. Shane".

Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
4047 Iron Works Parkway, Suite 104
Lexington, Kentucky 40511

Final, 12-3-2024

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS
Board of Veterinary Examiners

201 KAR 16:562. Duties and responsibilities of an animal euthanasia specialist.

RELATES TO: KRS 257.160, 321.181, 321.207, 321.235, 321.351

STATUTORY AUTHORITY: KRS 321.207, 321.235 ~~[, 321.240]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207~~(4)~~~~(3)~~ requires the Kentucky Board of Veterinary Examiners to issue a certificate to a person who meets the qualifications of an animal euthanasia specialist and is approved by the board for a certificate. KRS 321.235~~(1)(b) requires~~~~(3) and 321.240(5) authorize~~ the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the duties and responsibilities of an animal euthanasia specialist.

Section 1. Duties of a Certified Animal Euthanasia Specialist. The duties of a board-certified animal euthanasia specialist shall include ~~[the following]:~~

- (1) Preparing animals for euthanasia;
- (2) Carefully and accurately recording dosages, administration, and drug waste;
- (3) Ordering supplies and drugs in accordance with the employing certified animal control agency's operating procedures;
- (4) Maintaining the security of all controlled substances and board-approved drugs in accordance with 201 KAR 16:550, 16:552, and other applicable federal, state, and local laws;
- (5) Reporting to the board any infraction of KRS Chapter 321 or 201 KAR Chapter 16;
- (6) Humanely euthanizing animals;
- (7) Disposing of the carcasses in a manner consistent with local, state, and federal laws, including KRS 257.160, and shall be carried out according to the standard operating procedures of the board-certified animal control agency;
- (8) Maintaining active certification with the board;
- (9) Reporting to the board any change of address, phone, or email within thirty (30) days; and
- (10) Providing a written response to a grievance or inquiry from the board within twenty (20) days of receipt.

Section 2. Animals Approved for Euthanasia by Board-certified Animal Euthanasia Specialists. Animal euthanasia shall be conducted within the restrictions outlined in this section, or the practice shall be considered the practice of veterinary medicine and subject to a penalty for practicing without a license.

- (1) Euthanasia shall only be conducted upon animals owned by the certified animal control agency, except in cases of emergency care as defined by KRS 321.181~~(33)~~~~(40)~~.
 - (a) Temporary transfer of ownership or a temporary contract shall not be used for the purpose of circumventing this subsection; and
 - (b) Wildlife shall be redirected to a board-licensed veterinarian, Certified Wildlife Rehabilitator authorized to operate pursuant to 301 KAR 2:075, or to a Nuisance Wildlife Control Operator authorized to operate pursuant to 301 KAR 3:120.
- (2) Euthanasia shall only be conducted upon the premises of the certified animal control agency, except in cases of emergency care as defined by KRS 321.181~~(33)~~~~(40)~~.
- (3) All euthanized animals shall be disposed of in accordance with the certified animal control agency's standard operating procedures for carcass disposal in accordance with Section 1(7) of this administrative regulation, and shall not be returned to a prior owner.

Section 3. Approved Drugs for Animal Euthanasia, and Anesthesia or Sedation of Animals Prior to Euthanasia by Certified Animal Euthanasia Specialists.

- (1) The drugs approved by the board for euthanasia are:
 - (a) Sodium pentobarbital; and
 - (b) Sodium pentobarbital mix which has been approved by the U.S. Food and Drug Administration for animal euthanasia~~[with lidocaine]~~.
- (2) The drugs approved by the board for animal anesthesia or sedation prior to euthanasia are, or any combination thereof:
 - (a) Acepromazine;
 - (b) Dexmedetomidine;
 - (c) Ketamine (thirty (30) day supply or less); and
 - (d) Xylazine.
- (3) Expired drugs shall not be used.
- (4) Expired drugs shall be disposed of in accordance with 201 KAR 16:552, Section 8[7].

Section 4. Approved Methods of Euthanasia.

- (1) A certified animal euthanasia specialist shall perform euthanasia by means of lethal injection on an animal by use of board-approved euthanasia drugs and drugs used to anesthetize or sedate an animal prior to euthanasia in accordance with subsection (2) of this section.
- (2) When using a lethal solution to perform euthanasia on an animal, a certified animal euthanasia specialist shall use the appropriate solution in accordance with the following methods and in the following order of preference, ensuring both humane euthanasia of the animal and the safety of the individuals handling the animal:
 - (a) Intravenous injection by hypodermic needle;
 - (b) Intracardial injection by hypodermic needle, but only on an anesthetized or unconscious animal;
 - (c) Intraperitoneal injection by hypodermic needle~~[- but only on an anesthetized or unconscious animal]~~; or
 - (d) Solution or powder added to food.

Section 5. Except as provided for performing the duties set forth in this administrative regulation, an animal euthanasia specialist shall be prohibited from practicing veterinary medicine.

Section 6. Disciplinary Action. A certified animal euthanasia specialist shall be subject to disciplinary action pursuant to KRS 321.235 and 321.351 for a violation of state statutes or administrative regulations.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

Andy Beshear
Governor



John C. Park, DVM
Board Chairman

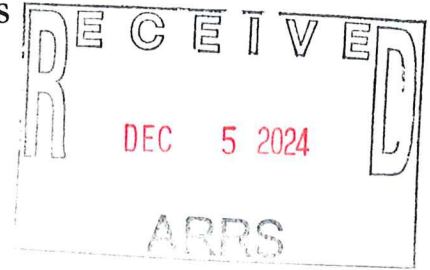
KENTUCKY BOARD OF VETERINARY EXAMINERS

4047 Iron Works Parkway, Suite 104, Lexington, KY 40511

Office: 502-564-5433 • Fax: 502-753-1458

kbve.ky.gov • vet@ky.gov

December 5, 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, Kentucky 40601

RE: 201 KAR 16:612

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by **201 KAR 16:612**, the Kentucky Board of Veterinary Examiners (KBVE) proposes the attached amendment to 201 KAR 16:612.

Sincerely,

A handwritten signature in blue ink, reading "Michelle M. Shane".

Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
4047 Iron Works Parkway, Suite 104
Lexington, Kentucky 40511

Final, 12-3-2024

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS
Board of Veterinary Examiners

201 KAR 16:612. Notice to Comply ~~(NC)~~~~(NOC)~~ and Notice of Violation (NOV).

RELATES TO: KRS 321.187, 321.190, 321.203, 321.205, 321.207, 321.208, 321.211, 321.221, 321.235, 321.236, 321.352, 321.441, 321.442, 321.443, 321.990

STATUTORY AUTHORITY: KRS 321.235(1)(b), 321.235(2)(h)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(2)(h) authorizes the board to issue a notice to comply ~~(NC)~~~~(NOC)~~ or a notice of violation (NOV) to any person for violations of KRS Chapter 321. KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the process and effect of issuing an NC~~a NOC~~ and an~~a~~ NOV.

Section 1. Notice to Comply ~~(NC)~~~~(NOC)~~.

- (1) The board, or an employee or agent of the board, may issue an NC~~a NOC~~ to any person or business for violation of any provision of KRS Chapter 321 or 201 KAR Chapter 16~~administrative regulations promulgated by the board thereunder~~.
- (2) An NC~~A NOC~~ may ~~also~~ be issued during an inspection to request additional information needed to determine compliance or as a notice to correct a minor violation found during the inspection. The failure to provide the information requested or to correct the violation within the time allotted may result in an NOV~~a notice of violation~~ being issued.
- (3) An NC~~A NOC~~ from the board shall contain ~~the following items~~:
 - (a) The name and address of the person or business to whom it is issued;
 - (b) A description of any information that is being requested;
 - (c) A citation to any statutory or regulatory requirement that has been or may have been~~be~~ violated;
 - (d) A description of the circumstances surrounding any violation or possible violation for which additional information is requested;
 - (e) Measures required to comply with the NC~~NOC~~;
 - (f) A reasonable time for compliance; ~~and~~
 - (g) Notice that failure to take required action may result in the issuance of an NOV~~a notice of violation~~;
 - (h) Identification of the board's agent issuing the form; and
 - (i) The date the NC~~NOC~~ was issued.
- (4) An NC~~A notice to comply~~ may be issued in tangible or electronic form.

Section 2. Notice of Violation (NOV).

- (1) The board, or an employee or agent of the board, may issue an~~a~~ NOV to any person for violation of any provision of KRS Chapter 321 or 201 KAR Chapter 16~~administrative regulations promulgated by the board thereunder~~.
- (2) An~~A~~ NOV establishes that a violation of statute or administrative regulation exists and that a business or person is operating in violation of the law and is subject to penalty pursuant to KRS Chapter 321.
- (3) Each day or part of a day that a violation continues is a separate violation subject to daily penalties.
- (4) An~~A~~ NOV from the board shall contain ~~the following items~~:
 - (a) The name and address of the person or business to whom it is issued;
 - (b) The items listed in KRS 321.235(2)(h)~~A citation to the statutory or regulatory requirement or requirements that have been violated~~;
 - (c) ~~A description of the circumstances surrounding the violation or violations, set forth in common and concise language;~~

~~(d) Measures required to correct each violation;~~

~~(e) Notice that each day or part of a day that a violation continues is a separate violation;~~

~~(d) [(f)] Notice of the penalty for the violation or violations for which the notice was issued;~~

~~(e) [(g) A reasonable time for correction, if the respondent cannot take measures to correct the violation immediately;~~

~~(h) Identification of the board's agent issuing the notice; and~~

~~(f) [(i)] Date the NOV was issued [; and~~

~~(j) Notice of rights of appeal].~~

(5) An NOV~~[A notice of violation]~~ may be issued in tangible or electronic form.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

Andy Beshear
Governor



John C. Park, DVM
Board Chairman

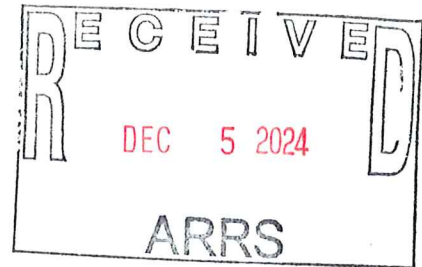
KENTUCKY BOARD OF VETERINARY EXAMINERS

4047 Iron Works Parkway, Suite 104, Lexington, KY 40511

Office: 502-564-5433 • Fax: 502-753-1458

kbve.ky.gov • vet@ky.gov

December 5, 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, Kentucky 40601

RE: 201 KAR 16:614

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by **201 KAR 16:614**, the Kentucky Board of Veterinary Examiners (KBVE) proposes the attached amendment to 201 KAR 16:614.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle M. Shane".

Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
4047 Iron Works Parkway, Suite 104
Lexington, Kentucky 40511

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS
Board of Veterinary Examiners

201 KAR 16:614. Fines.

RELATES TO: KRS 321.190, 321.201, 321.207, 321.236, 321.352, 321.441, 321.990

STATUTORY AUTHORITY: KRS 321.235(1)(b), 321.352(1)-~~(4)~~, ~~(5)~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.352(1) requires the board to establish the amounts, limits, or ranges for any fines imposed under KRS Chapter 321 through the promulgation of administrative regulations. KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement and enforce KRS Chapter 321 and 201 KAR Chapter 16. This administrative regulation establishes the amounts, limits, or ranges for all fines imposed under KRS Chapter 321.

Section 1. Mandatory Fines.

(1) A person who, for practicing or performing services without a credential issued by the board, violates or aids in the violation of:

(a) KRS 321.190 shall be fined per violation per day for practice as a veterinarian:

1. For the first offense in an amount of not less than \$250 and not more than \$500; and
2. For subsequent offenses in an amount of not less than \$500 and not more than \$1,000;

(b) KRS 321.190 shall be fined per violation per day for practice as a veterinary technician:

1. For the first offense in an amount of not less than \$100 and not more than \$250; and
2. For subsequent offenses in an amount of not less than \$250 and not more than \$500;

(c) KRS 321.201 shall be fined per violation per day for the veterinarian supervisor and the individual acting as a special permittee:

1. For the first offense in an amount of not less than \$250 and not more than \$500; and
2. For subsequent offenses in an amount of not less than \$500 and not more than \$1,000;

(d) KRS 321.207 shall be per violation per day for the animal control agency, the designated on-site manager, and the individual acting as an animal euthanasia specialist:

1. For the first offense in an amount of not less than \$50 and not more than \$150; and
2. For subsequent offenses in an amount of not less than \$150 and not more than \$300;

(e) ~~[KRS 321.211 shall be fined per violation per day:~~

- ~~1. For the first offense in an amount of not less than \$250 and not more than \$500;~~
- ~~2. For subsequent offenses in an amount of not less than \$500 and not more than \$1,000;~~

~~(f)~~ KRS 321.236 shall be fined per violation per day for the veterinarian manager and the registered responsible party:

1. For the first offense in an amount of not less than \$250 and not more than \$500; and
2. For subsequent offenses in an amount of not less than \$500 and not more than \$1,000; and

~~(f)~~~~(g)~~ KRS 321.441 shall be fined per violation per day:

1. For the first offense in an amount of not less than \$100 and not more than \$250; and
2. For subsequent offenses in an amount of not less than \$250 and not more than \$500.];

~~(h)~~ ~~KRS 321.442 shall be fined per violation per day:~~

- ~~1. For the first offense in an amount of not less than \$100 and not more than \$250;~~
- ~~2. For subsequent offenses in an amount of not less than \$250 and not more than \$500.];~~

(2) A person who is issued a notice of violation by the board for failure to comply with KRS Chapter 321 or 201 KAR Chapter 16~~[an administrative regulation promulgated thereunder]~~ shall be fined in the amount per violation per day:

- (a) For the first offense in an amount of not less than \$100 and not more than \$250; and
- (b) For subsequent offenses in an amount of not less than \$250 and not more than \$500.];

(3) A person who exercises or attempts to exercise control over, interferes with, or attempts to influence the professional judgment of a credential holder in any manner, including through coercion, collusion, extortion, inducement, or intimidation shall be fined per violation per day:

(a) For the first offense in an amount of not less than \$500 and not more than \$1,000; and

(b) For subsequent offenses in an amount of not less than \$1,000 and not more than \$2,500. ~~;~~

(4) A person who violates any ruling of the board or hinders any agent of the board in carrying out the duties assigned to the agent shall be fined per violation per day:

(a) For the first offense in an amount of not less than \$500 and not more than \$1,000; and

(b) For subsequent offenses in an amount of not less than \$1,000 and not more than \$2,500. ~~;~~

(5) A person who is an officer who refuses to enforce the provisions of KRS~~[this]~~ Chapter 321 ~~if~~when called upon by the board to do so shall be fined per violation per day:

(a) For the first offense in an amount of not less than \$100 and not more than \$250; and

(b) For subsequent offenses in an amount of not less than \$250 and not more than \$500. ~~;~~

(6) A person who attempts in any way to hinder or obstruct the board in carrying out the provisions of KRS Chapter 321 shall be fined per violation per day:

(a) For the first offense in an amount of not less than \$100 and not more than \$500; and

(b) For subsequent offenses in an amount of not less than \$500 and not more than \$1,000. ~~;~~

(7) A person who resists, obstructs, interferes with, threatens, attempts to intimidate, or in any other manner interferes with an agent of the board or who willfully refuses to obey their lawful order shall be fined per violation per day:

(a) For the first offense in an amount of not less than \$500 and not more than \$1,000; and

(b) For subsequent offenses in an amount of not less than \$1,000 and not more than \$2,500.

Section 2. Permissive Fines.

(1) The board may impose an additional fine per violation per day for a person who is convicted under KRS 321.990:

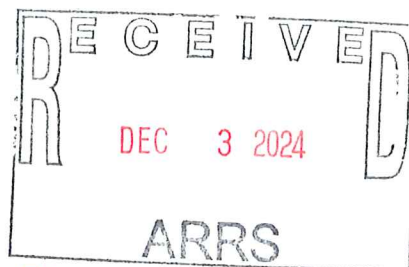
(a) For the first offense in an amount of not less than \$500 and not more than \$1,000; and

(b) For subsequent offenses in an amount of not less than \$1,000 and not more than \$2,500. ~~;~~

(2) The board may impose an additional fine for any violation of the Kentucky Veterinary Medicine Practice Act that consists of an amount equal to the cost of investigative and legal fees, court reporters, expert witnesses, administrative hearing officers, and all related costs incurred by the board in processing the case.

Section 3. Continuing Violation. ~~[(1)]~~ Each day or part of a day that a violation continues is a separate violation and subject to additional fines per day.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.



Board of Medical Imaging and Radiation Therapy

Andy Beshear
Governor

2365 Harrodsburg Rd, Suite A220
Lexington, Kentucky 40504
502-782-5687
<http://kbmirt.ky.gov/>

Keri Leamy
Board Chair

December 3, 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 46:040: Medical imaging technologist, advanced imaging professional, radiographer, nuclear medicine technologist, and radiation therapist licenses.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 46:040, the Board for Medical Imaging and Radiation Therapy proposes the attached amendment to 201 KAR 46:040.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Morgan".

Elizabeth Morgan, Executive Director
Board for Medical Imaging and Radiation Therapy
2365 Harrodsburg Rd, Suite A220
Lexington, Kentucky 40504

Final, 11-26-2024

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Medical Imaging and Radiation Therapy

201 KAR 46:040. Medical imaging technologist, advanced imaging professional, radiographer, nuclear medicine technologist, and radiation therapist licenses.

RELATES TO: KRS 311B.020, 311B.050, 311B.080, 311B.100(2), (3), 311B.110, 311B.120, 311B.140, 311B.180, 311B.190

STATUTORY AUTHORITY: KRS 311B.050, 311B.080, 311B.100(2), 311B.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.050 requires the Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to establish the procedures for the issuance and renewal of a license. KRS 311B.100(2) and KRS 311B.110(6) require the board to promulgate administrative regulations to establish the qualifications for an advanced imaging professional, a medical imaging technologist, a radiographer, a radiation therapist, and a nuclear medicine technologist. This administrative regulation establishes requirements for licensure, renewal, and reinstatement.

Section 1. Eligibility for an Advanced Imaging Professional, a Medical Imaging Technologist, a Radiographer, a Radiation Therapist, and a Nuclear Medicine Technologist License. A person shall not be eligible for a license pursuant to this administrative regulation for diagnostic imaging or therapeutic purposes unless the person has:

- (1) Satisfactorily passed the national examination administered by the American Registry of Radiologic Technologists or the Nuclear Medicine Technology Certification Board examination;
- (2) Satisfactorily completed an accredited educational program; and
- (3) Maintained current active status of certification and registration with ARRT or NMTCB.

Section 2. Application for Initial License. An applicant shall submit:

- (1) A completed and signed application KBMIRT Form 1;
- (2) A nonrefundable initial application and license fee as established by 201 KAR 46:020, Section 1, unless the fee is waived in accordance with KRS 311B.140;
- (3) The results of a criminal background check completed within the past six (6) months in state of residence and employment and any other state of residence and employment within the past five (5) years;
- (4) A copy of a government-issued photo ID;
- (5) Documentation of active registration or certification with the ARRT or NMTCB; and
- (6) Verification of graduation from an accredited educational program.

Section 3. Applicant from an Unaccredited Educational Program.

(1) If an applicant qualifies for licensure under KRS 311B.100(3), the applicant shall submit and satisfy the requirements of Section 2(1)~~(a)~~ through (5)~~(e)~~ of this administrative regulation and shall submit proof:

- (a) Of an active valid license or certificate from another jurisdiction's regulatory board to practice as an advanced imaging professional, medical imaging technologist, radiographer, radiation therapist, or nuclear medicine technologist and is in good standing;
- (b) Of certification or licensure by a national organization recognized by the board;
- (c) That the applicant has not been disciplined as an advanced imaging professional, medical imaging technologist, radiographer, radiation therapist, or nuclear medicine technologist by any jurisdiction or national organization that has issued a license or certificate to the applicant;

(d) Of a minimum of five (5) years of work experience as a certified or licensed advanced imaging professional, medical imaging technologist, radiographer, radiation therapist, or nuclear medicine technologist; and

(e) That the applicant maintained continuing education requirements during the applicant's period of licensure or certification, which includes copies of any continuing education certificates received for attending from the sponsor.

(2) If an applicant qualifies for licensure under KRS 12.245, 12.354, or 12.357, the applicant shall submit and satisfy the requirements of Section 2(1)~~[(a)]~~ through ~~(5)~~~~[(e)]~~ of this administrative regulation, subsection (1)(a) through (c) of this Section, and shall submit form DD-214 or other proof of active or prior military service for the applicant or spouse of the applicant.

Section 4. The issued license shall identify the licensee as an advanced imaging professional, a medical imaging technologist, a radiographer, a radiation therapist, or a nuclear medicine technologist. The medical imaging technologist license shall also identify any ARRT or NMTCB disciplines awarded to the licensee.

Section 5. The license shall expire annually on the last day of the licensee's birth month. If a license is first issued to an individual less than six (6) months before the individual's birth month, the license issued to the individual shall not expire on that date, but instead it shall expire at the last day of the individual's birth month in the following calendar year.

Section 6. Renewal of License. To renew a license, the licensee shall submit:

(1) KBMIRT Form 2;

(2) Verification of current active status with the ARRT or NMTCB; and

(3) The renewal license fee as established by 201 KAR 46:020, Section 2, unless the fee is waived in accordance with KRS 311B.140.

Section 7. Reinstatement of Lapsed License.

(1) A licensee who has allowed the license to lapse up to twelve (12) months shall be eligible to be reinstated upon:

(a) Submission of KBMIRT Form 2;

(b) Verification of current active status with the ARRT or NMTCB;

(c) Submission of documentation of twenty-four (24) hours of approved continuing education biennially; and

(d) The payment of reinstatement and renewal fees as established by 201 KAR 46:020, Sections 2 and 7, unless the fees are waived in accordance with KRS 311B.140.

(2) A licensee whose license has lapsed for more than twelve (12) months shall submit:

(a) Verification of current active status with the ARRT or NMTCB;

(b) KBMIRT Form 1;

(c) Continuing education KBMIRT Form 8, as incorporated by reference in 201 KAR 46:060, that documents twenty-four (24) hours of approved continuing education;

(d) The payment of nonrefundable initial application and license fee and reinstatement fee as established by 201 KAR 46:020, Sections 1 and 7, unless the fees are waived in accordance with KRS 311B.140;

(e) The results of a criminal background check completed within the past six (6) months in state of residence and employment and any other state of residence and employment within the past five (5) years; and

(f) A copy of a government-issued photo ID.

Section 8. Reinstatement of Revoked License. An applicant seeking reinstatement after a license revocation shall follow the same process as a new applicant as required under KRS 311B.100, 311B.110, and this administrative regulation.

Section 9. Lapsed Credential. A licensee shall not allow a credential to lapse while the license is active. If a licensee's credential is suspended, revoked, or otherwise discontinued by a national organization, the licensee shall notify the board immediately. A licensee seeking reinstatement following a lapse in credential shall submit:

- (1) Verification of current active status with the ARRT or NMTCB; and
- (2) Payment of reinstatement fee as established by 201 KAR 46:020, Section 7.

Section 10. Temporary License. The board may, upon completion of Form KBMIRT 3, as incorporated by reference in 201 KAR 46:045, and payment of the fee established in 201 KAR 46:020, Section 3, issue a temporary license to an applicant who has successfully completed an approved course of study in radiography, nuclear medicine technology, radiation therapy, or an advanced imaging profession and meets the other requirements of 201 KAR 46:045 other than having taken the required examination. A temporary license shall be effective for up to one (1) year only and shall not be renewable. Upon certification, a temporary license may be converted to a permanent license as described in 201 KAR 46:045, Section 2. A temporary license shall expire upon issuance of a permanent license.

Section 11. Continuing Education Audit Process.

- (1) The board shall select a sample of licensees to audit for continuing education compliance.
- (2) The board shall send each licensee selected for audit a notification of audit.
- (3) Each licensee shall maintain his or her personal files such as certificates or records of credit from approved continuing education programs from the current biennium and immediate prior biennium.
- (4) A licensee selected for audit shall provide the board with a copy of his or her certificate or records of completion.
- (5) Failure to comply with an audit may result in nonrenewal, suspension, or revocation of license.

Section 12. Contrast Procedures. Only individuals holding a license pursuant to this administrative regulation shall perform diagnostic imaging or radiation therapy procedures regulated by KRS Chapter 311B at facilities where contrast studies are performed.

Section 13. CT Training for Nuclear Medicine Technologists and Radiation Therapists. Individuals who are licensed in the primary discipline of nuclear medicine or radiation therapy, are certified by the ARRT or NMTCB, and are seeking post-primary certification in computed tomography (CT) may work under the direct supervision of a licensed and certified CT technologist to gain clinical competency. An individual who wishes to complete clinical training in CT shall submit a Provisional License Application, as incorporated by reference in 201 KAR 46:050, which shall expire twenty-four (24) months from the date of issuance.

Section 14. PET Training for Radiographers and Radiation Therapists. Individuals who are licensed in the primary discipline of radiography or radiation therapy, are certified by the ARRT, and are seeking post-primary certification in positron emission tomography (PET) may work under the direct supervision of a licensed and certified PET technologist with the permission of an authorized user to gain clinical competency. An individual who wishes to complete clinical training in PET shall submit a Provisional License Application, as incorporated by reference in 201 KAR 46:050, which shall expire twenty-four (24) months from the date of issuance.

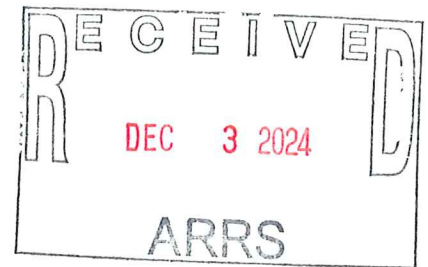
Section 15. Applications for licensure shall be filed with the Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Road, Suite A220, Lexington, Kentucky 40504.

Section 16. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) KBMIRT Form 1, "License Application-Medical Imaging or Radiation Therapy", August 2024~~[October 2023]~~; and
 - (b) KBMIRT Form 2, "License Renewal Application-Medical Imaging or Radiation Therapy", August 2024~~[October 2023]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Road, Suite A220, Lexington, Kentucky 40504, Monday through Friday, 8:00 a.m. to 4:30 p.m. **This material is also available on the board's Web site at <https://kbmirt.ky.gov>.**

CONTACT PERSON: Elizabeth Morgan, Executive Director, 2365 Harrodsburg Rd, Suite A220, Lexington Kentucky 40504, phone 502-782-5687, fax 502-782-6495, email elizabeth.morgan@ky.gov.



Board of Medical Imaging and Radiation Therapy

Andy Beshear
Governor

2365 Harrodsburg Rd, Suite A220
Lexington, Kentucky 40504
502-782-5687
<http://kbmirt.ky.gov/>

Keri Leamy
Board Chair

December 3, 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 46:100: Medical Imaging and Radiation Therapy Scholarship and Continuing Education Fund.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 46:100, the Board for Medical Imaging and Radiation Therapy proposes the attached amendment to 201 KAR 46:100.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Morgan".

Elizabeth Morgan, Executive Director
Board for Medical Imaging and Radiation Therapy
2365 Harrodsburg Rd, Suite A220
Lexington, Kentucky 40504

Final, 11-26-2024

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS
Board of Medical Imaging and Radiation Therapy

201 KAR 46:100. Medical Imaging and Radiation Therapy Scholarship and Continuing Education Fund.

RELATES TO: KRS 311B.050, 311B.130

STATUTORY AUTHORITY: KRS 311B.050, 311B.130

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.050 requires the Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to administer and enforce KRS Chapter 311B and designate funds for scholarships, program development, or continued education. KRS 311B.130 appropriates that moneys collected shall be used for the payment of operational expenses incurred in fulfilling the board's duties as described in KRS Chapter 311B and administrative regulation. This administrative regulation implements the Kentucky Medical Imaging and Radiation Therapy Scholarship and Continuing Education Fund and establishes the requirements relating to the program.

Section 1. Application:

- (1) To be eligible for the scholarship, an applicant shall submit:
 - (a) A completed and signed application, KBMIRT Form 10;
 - (b) A current resume or curriculum vitae;
 - (c) Three (3) letters of recommendation;
 - (d) Official transcripts from highest level of education achieved; and
 - (e) A written statement describing applicant's professional goals, not to exceed 250 words.
- (2) In addition to items listed in subsection 1(1)(a) through (e) of this Section, an individual seeking scholarship for a non-degree program, such as structured education or limited x-ray machine operator program, shall also submit a document describing the financial obligations required of the program.
- (3) Applications shall be accepted from January 1 through April 1 annually.

Section 2. Criteria for Awards.

- (1) The board shall consider the following criteria in evaluating an application:
 - (a) Resident of Kentucky or employed in Kentucky;
 - (b) Potential for academic success as determined by the high school, vocational school, college, or university grade point average for whichever institution the applicant most recently attended;
 - (c) Previous healthcare experience, either paid or volunteer, for each year in which service is validated; and
 - (d) Written statement of professional goals.
- (2) The applicant shall be considered ineligible for award if the application is:
 - (a) Postmarked after April 1;
 - (b) Deemed incomplete; or
 - (c) Submitted for a medical imaging modality not recognized by the board.

Section 3. Procedure for Disbursement of Awards.

- (1) The board shall be notified by the board's fiscal officer as to the current fund balance prior to making an award. The amount of award shall be determined by the board and shall not exceed \$1500 annually per recipient.
- (2) The board may prioritize awards to those recipients who:
 - (a) Received an award in the previous year; and
 - (b) Remain eligible to receive award pursuant to Section 4 of this administrative regulation in the current year.

(3) If funds remain available after the awards are made pursuant to paragraph (2)(a) and (b) of this subsection, the board may make an award to other eligible applicants.

(4)[(2)] Disbursement of funds shall be made directly to the recipient.

(5)[(3)] Each educational institution in which a student receiving a medical imaging, radiation therapy, or limited x-ray machine operator scholarship award is enrolled shall certify to the board no later than thirty (30) days from the beginning of each semester on KBMIRT Form 11, that the recipient:

(a) Has enrolled; and

(b) Is in good standing in the medical imaging, radiation therapy, or limited x-ray machine operator program.

(6)[(4)] For a recipient receiving award for continued education, the recipient shall provide:

(a) A confirmation of enrollment into structured education course; and

(b) An approval letter from clinical site.

Section 4. Continuing Eligibility Criteria.

(1) Except as established in subsection (3) of this section, a recipient of the award shall be eligible to continue to receive an award if the recipient:

(a) Maintains successful academic progression through the program; and

(b) Submits to the board a completed KBMIRT Form 10 on or before April 1.

(2) The educational institution shall certify to the board no later than thirty (30) days from the beginning of each semester on KBMIRT Form 11 confirmation that the recipient is enrolled and in good standing in the medical imaging or radiation therapy program.

(3) An award recipient in a limited x-ray machine operator program or for continued education shall not be eligible for consecutive awards from the scholarship while enrolled in that program.

Section 5.[Section 4.] Disbursement Contract and Promissory Note. Prior to disbursement of [initial] funds, the recipient shall sign a notarized KBMIRT Form 12 and KBMIRT Form 13.

Section 6.[Section 5.] Repayment and Deferral.

(1) A recipient shall immediately become liable to the board to pay the sum of all scholarships received and the accrued interest on the scholarships if the recipient fails to complete the:

(a) Medical imaging, radiation therapy, or limited x-ray machine operator program in which the individual is enrolled within the time specified by the program;

(b) Structured education course or clinical requirements required to qualify for the post-primary certification within the time specified by the ARRT or NMTCB; or

(c) Required employment as specified in the contract, KBMIRT Form 12.

(2) Written notification of demand for repayment shall be sent by the board to the scholarship recipient's last known address and shall be effective upon mailing.

(a) The board may agree to accept repayment in installments in accordance with a schedule established by the board.

(b) Payments shall first be applied to interest and then to principal on the earliest unpaid contracts.

(3) Repayment may be deferred in the case of instances such as disability, major illness, accident, or if an active duty member of the Armed Forces of the United States that prevents a recipient from completing a program or being employed as a medical imaging technologist, radiation therapist, or limited x-ray machine operator in Kentucky. Request for deferment requires completion of KBMIRT Form 14 and a physician's statement, or form DD-214, or other proof of active military status.

(4) A student enrolled in a program may defer repayment if the student fails to achieve successful academic progression. Request for deferral requires completion of KBMIRT Form 14 and a certified official transcript.

Section 7.[Section 6.] Verification.

(1) Verification of employment as a medical imaging technologist, radiation therapist, or limited x-ray machine operator in Kentucky pursuant to the contract, KBMIRT Form 12 shall be submitted to the board when the recipient's employment commitment begins and when it is completed. A termination of

employment prior to completion shall be reported to the board within thirty (30) days by the employer and the recipient.

(2) A recipient shall notify the board of a change of name or address or enrollment status in school immediately and within thirty (30) days of change.

Section 8. [~~Section 7.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) KBMIRT Form 10, "Scholarship Application - Medical Imaging and Radiation Therapy Scholarship and Continuing Education Fund ", ~~October 2023~~; August 2024;

(b) KBMIRT Form 11, "Scholarship Application - Verification of Student Status", October 2023;

(c) KBMIRT Form 12, "Medical Imaging and Radiation Therapy Scholarship and Continuing Education Fund Contract", ~~March 2020~~; August 2024;

(d) KBMIRT Form 13, "Medical Imaging and Radiation Therapy Scholarship and Continuing Education Fund Promissory Note", March 2020; and

(e) KBMIRT Form 14, "Medical Imaging and Radiation Therapy Scholarship and Continuing Education Fund Request for Deferment", August 2020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Road, Suite A220, Lexington, Kentucky 40504, Monday through Friday, 8:00 a.m. to 4:30 p.m. **This material is also available on the board's Web site at <https://kbmirt.ky.gov>.**

CONTACT PERSON: Elizabeth Morgan, Executive Director, 2365 Harrodsburg Rd, Suite A220, Lexington Kentucky 40504, phone 502-782-5687, fax 502-782-6495, email elizabeth.morgan@ky.gov.