

December 3, 2024

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

Re: **202 KAR 7:560**

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee **staff** of the issues raised by 202 KAR 7:560, the Kentucky Board of Emergency Medical Services proposes the **attached amendment to 202 KAR 7:560.**

Sincerely,

A handwritten signature in black ink that reads "John R. Holder".

John R. Holder, Chair  
Kentucky Board of Emergency Medical Services  
500 Mero Street, 5th Floor 5SE32  
Frankfort, KY 40601



**Kentucky Board of Emergency Medical Services**

500 Mero Street, 5th Floor 5SE32

Frankfort, KY 40601

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kyems.com

**SUGGESTED SUBSTITUTE**

**KENTUCKY BOARD OF EMERGENCY MEDICAL SERVICES**

**202 KAR 7:560. Ground vehicle staff.**

RELATES TO: KRS 189.910-189.950, 311A.030, 311A.190

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030, 311A.190

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the emergency medical services system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Emergency Medical Services or the Cabinet for Health and Family Services. KRS 311A.030 requires the board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation establishes the minimum staffing requirements for ground vehicles.

Section 1. Staffing Requirements.

- (1) Each Class I agency BLS ambulance shall at minimum, be staffed by:
  - (a) A driver certified as an emergency medical responder (EMR); and
  - (b) An attendant certified as an emergency medical technician (EMT).
- (2) Each Class I agency ALS ambulance shall at minimum be staffed by:
  - (a) A driver certified as an emergency medical responder (EMR); and
  - (b) An attendant certified as an Advanced EMT or licensed as a paramedic.
    1. Each Class I ALS agency [~~providing primary 911 emergency ambulance service~~] shall ensure that it has at least one (1) [~~there is a~~] paramedic on-duty at all times.
    2. To ensure compliance, each agency shall maintain its work schedules from the previous twelve (12) months until reviewed by board staff during its annual inspection.
- (3) Each Class I agency operating an ALS ambulance providing a BLS level of care shall at minimum be staffed by:
  - (a) A driver certified as an emergency medical responder (EMR); and
  - (b) An attendant certified as an emergency medical technician (EMT).
- (4) Each Class II agency shall at minimum be staffed by:
  - (a) A driver certified as an emergency medical responder (EMR); and
  - (b) An attendant certified as an emergency medical technician (EMT).
- (5) A Class III Adult Critical Care ambulance agency shall at minimum be staffed by:
  - (a) A driver certified as an emergency medical responder (EMR);
  - (b) An attendant licensed as a paramedic; and
  - (c) One (1) licensed:
    1. Registered nurse;
    2. Advanced practice registered nurse;
    3. Respiratory therapist;
    4. Physician assistant;
    5. Physician; or

6. Additional paramedic.

(6)(a) Each Class III Pediatric Specialty Care Ambulance Agency shall at minimum be staffed by:

1. A driver certified as an emergency medical responder (EMR);
2. A primary attendant licensed as a registered nurse; and
3. One (1) additional attendant licensed as a:
  - a. Registered nurse;
  - b. Advanced practice registered nurse;
  - c. Respiratory therapist;
  - d. Physician assistant;
  - e. Physician; or
  - f. Paramedic.

(b) Any attendant hired after January 1, 2020 shall acquire and maintain within one (1) year of hire, a specialty certification in Pediatric Critical Care or Neonatal Critical Care acquired through successful completion of a validated examination administered by an independent entity not associated with a specific course or program of education.

(7)(a) Each Class III Neonatal Specialty Care Ambulance Agency shall at minimum be staffed by:

1. A driver certified as an emergency medical responder (EMR);
2. A primary attendant licensed as a registered nurse; and
3. One (1) additional attendant licensed as:
  - a. An advanced practice registered nurse;
  - b. A respiratory therapist;
  - c. A physician assistant;
  - d. A physician;
  - e. A registered nurse; or
  - f. Paramedic.

(b) Any attendant hired after January 1, 2020 shall acquire and maintain within one (1) year of hire, a specialty certification in Pediatric Critical Care or Neonatal Critical Care acquired through successful completion of a validated examination administered by an independent entity not associated with a specific course or program of education.

(8) Each Class IV agency operating a BLS ambulance shall at minimum be staffed by:

- (a) A driver certified as an emergency medical responder (EMR); and
- (b) An attendant certified as an emergency medical technician (EMT).

(9)(a) Each Class IV service operating an ALS ambulance shall at minimum be staffed by:

**1.[(a)]** A driver certified as an emergency medical technician (EMT); and

**2.[(b)]** An attendant certified as an Advanced EMT or licensed as a paramedic.

**(b) [(e)]** Each Class IV ALS agency shall have at least one (1) licensed paramedic on duty at all times.

To ensure compliance, each agency shall maintain its work schedules from the previous twelve (12) months until reviewed by board staff during its annual inspection.

(10) Each Class VI BLS medical first response agency shall at minimum be staffed by a certified:

- (a) Emergency medical responder (EMR); or
- (b) Emergency medical technician (EMT).

(11) Each Class VI ALS medical first response agency shall at minimum be ~~minimally~~ staffed by:

- (a) A certified Advanced EMT; or
- (b) A licensed paramedic.

(12) Each Class VIII BLS agency shall be minimally staffed by a certified:

- (a) Emergency medical responder (EMR); or

- (b) Emergency medical technician (EMT).
- (13) Each Class VIII ALS agency shall be minimally staffed by:
  - (a) A certified Advanced EMT; or
  - (b) A licensed paramedic.
- ~~[(14)] [Each Class I ALS, Class III ACC, Class IV ALS, and Class VI ALS agency shall have a licensed paramedic on duty at all times.]~~
- ~~[(14)][(15)]~~ At all times, the attendant shall monitor the patient and remain with the patient in the patient compartment.
- ~~[(15)][(16)]~~ This administrative regulation shall not prevent an agency from utilizing staff other than those required by this administrative regulation in:
  - (a) Disasters;
  - (b) Mass casualty incidents; or
  - (c) Extraordinary scene conditions that would impair the safety of the patient or personnel operating at the scene.
- ~~[(16)][(17)]~~ Alternative staff shall not operate a licensed vehicle unless the:
  - (a) Agency administrator so directs; and
  - (b) Vehicle is out of service and not subject to an emergency response.

Section 2. Temporary Waiver of Paramedic Staffing Requirement.

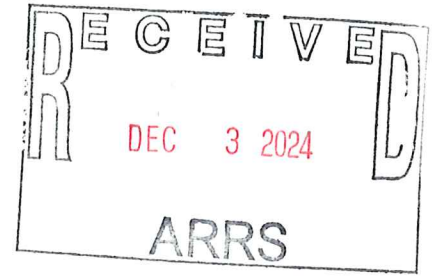
- (1) Notwithstanding Section 1(2)(b)1. of this administrative regulation or 202 KAR 7:550, Section 10(5), if the board grants a temporary waiver to a Class I ALS agency pursuant to this section, the agency shall ensure that it has at least one (1) AEMT or one (1) paramedic on duty at all times.
- (2) A Class I ALS agency may request a temporary waiver by submitting to the office of the board a sworn and notarized affidavit from the agency's chief operations or service director. In the affidavit, the chief operations or service director shall:
  - (a) Explain why the agency is unable to have at least one (1) paramedic on duty at all times;
  - (b) Explain the steps the agency has taken to have at least one (1) paramedic on duty at all times;
  - (c) Identify the number of paramedics the agency has on staff;
  - (d) Identify the compensation the agency pays paramedics;
  - (e) Identify the additional steps the agency will take to hire paramedics;
  - (f) Identify the number of ambulances the agency has staffed each day; and
  - (g) Certify that the chief local elected official of the agency's geographic service area has been notified, in writing, that the agency is requesting a temporary waiver pursuant to this section.
- (3) The chief operations or service director shall attach to the affidavit any documentation supporting the statements made in the affidavit.
- (4) In addition to the affidavit and any supporting documentation submitted pursuant to subsections (2) and (3) of this section, the board may consider any other relevant information in determining whether to grant a temporary waiver.
- (5) The board shall grant a request for a temporary waiver if it determines that the agency has made a good faith effort to have at least one (1) paramedic on duty at all times but has been unable to do so.
- (6) If the board has probable cause to believe that the agency has not made a good faith effort to have at least one (1) paramedic on duty at all times, the board shall refer the matter for a hearing in accordance with KRS Chapter 13B to determine whether a temporary waiver should be granted to the agency.
- (7) An agency granted a temporary waiver pursuant to this section shall submit a report to the office of the board on January 1, April 1, July 1, and October 1 of each year. Each report shall include:

- (a) The additional steps the agency has taken to hire paramedics since the last report deadline or, if no report deadline has passed, since the temporary waiver was granted;
  - (b) The number of paramedics on staff;
  - (c) The number of days that the agency was without at least one (1) paramedic on duty at all times since the last report deadline or, if no report deadline has passed, since the temporary waiver was granted;
  - (d) The number of paramedic employment applications received by the agency since the last report deadline or, if no report deadline has passed, since the temporary waiver was granted; and
  - (e) For each paramedic who applied for employment with the agency since the last report deadline or, if no report deadline has passed, since the temporary waiver was granted, but was not hired by the agency, the reasons why the paramedic was not hired.
- (8) An agency granted a temporary waiver in the month preceding a report deadline **shall[is]** not **be** required to submit the next month's report. (For example, if the temporary waiver is granted in March 2025, the agency is not required to submit the April 1, 2025 report.)
- (9) All temporary waivers granted pursuant to this section shall expire on December 31, 2026.
- (10) Notwithstanding subsection (9) of this section, if an agency fails to submit a report required by subsection (7) of this section, the agency's temporary waiver shall expire seven (7) days after the report deadline if the report still has not been received by the office of the board by that date.
- (11) The board shall publish on its Web site all agencies that have been granted a temporary waiver pursuant to this section.

### Section 3. Motor Vehicle Operator Requirements.

- (1) Each person operating a vehicle shall:
  - (a) Be at least eighteen (18) years of age;
  - (b) Hold a valid driver's license in any state or territory of the United States; and
  - (c) Complete at least four (4) hours of driver training and education every two (2) years.
- (2) The driver training and education shall consist of a:
  - (a) Review of driving a vehicle under emergency conditions;
  - (b) Review of KRS 189.910 through 189.950 regarding operation of emergency vehicles;
  - (c) Demonstration by the student of forward and back-up driving maneuvers in a controlled situation, such as in an obstacle course designed specifically for this purpose; and
  - (d) Review of defensive driving techniques and procedures with hands-on experience or exposure by visual aids or planned demonstrations.

Section 4. ~~Section 3.~~ Public Notice of Negative Action. The board office shall cause to be published, on the KBEMS Web site or similar publication of the board, or otherwise disseminate, the name of any licensed agency that is fined, placed on probationary status, placed on restricted status, suspended, or had a license revoked.



December 3, 2024

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

**Re: 202 KAR 7:596**

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 202 KAR 7:596, the Kentucky Board of Emergency Medical Services proposes the attached amendment to 202 KAR 7:596.

Sincerely,

John R. Holder, Chair  
Kentucky Board of Emergency Medical Services  
500 Mero Street, 5th Floor 5SE32  
Frankfort, KY 40601



**Kentucky Board of Emergency Medical Services**

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**SUGGESTED SUBSTITUTE**

**KENTUCKY BOARD OF EMERGENCY MEDICAL SERVICES**

**202 KAR 7:596. Mobile integrated healthcare licensure.**

RELATES TO: KRS 311A.010, 311A.020, 311A.025, ~~311A.032~~~~[311A.030]~~, 311A.170, ~~311A.180~~, 311A.190, 29 C.F.R. ~~[§-]~~1910.1030

STATUTORY AUTHORITY: KRS ~~[311A.020, 311A.025, ]~~311A.030~~[, 311A.190]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.030 requires the Kentucky Board of Emergency Medical Services to promulgate administrative regulations establishing requirements for licensing, inspecting, and regulating mobile integrated healthcare programs. This administrative regulation establishes the requirements for mobile integrated healthcare program licensure.

Section 1. Definitions.

- (1) "Discharge planner" means a person coordinating the transition of the patient from the care facility to another location and who ensures that the services and care that the patient ~~needs~~~~[will need]~~ are coordinated.
- (2) "Home health agency" means an appropriately licensed organization that provides skilled nursing care and therapy services in eligible patients' homes in accordance with applicable federal, state, and local requirements.
- (3) "Mobile integrated healthcare" or "MIH" is defined by KRS 311A.010(18).
- (4) "Organization" means any business entity created under the laws of the Commonwealth of Kentucky.
- (5) "Patient care planning" means written documents that help empower patients with complex conditions to better manage their own care. These plans are meant to be written collaboratively with the patient and family and incorporate the patient's and family's goals, preferences for care, and action plans for exacerbations of conditions.
- (6) "Primary care provider" means a physician (Doctor of Medicine or Doctor of Osteopathy), nurse practitioner, or physician assistant licensed or certified under Kentucky law, who provides, coordinates, or helps a patient access a range of healthcare services.

Section 2. Applying for a Mobile Integrated Healthcare Program License. An individual or organization applying for an MIH program license shall submit to the KBEMS office:

- (1) A completed Mobile Integrated Healthcare Program License Application;
- (2) The application fee as established in 202 KAR 7:030, **Section 7(1)**;
- (3) A current map or the ZIP codes of the MIH program's intended service area;
- (4) A written description of the:
  - (a) Program;
  - (b) Service area; and
  - (c) Specific services to be provided.

Section 3. Mobile Integrated Healthcare Program Licensure.

- (1) The KBEMS office shall issue a Class V mobile integrated healthcare program license to an individual or organization that satisfies the requirements of this section and Section 2 of this administrative regulation.

- (2) A Class V MIH program license shall be issued only to the individual or organization named in the Mobile Integrated Healthcare Program License Application.
- (3) A Class V MIH program license shall not be transferable.
- (4) A Class V MIH program shall conspicuously display its license in a prominent public area at the program's primary administrative office of operation.
- (5) The following information shall be included on the license issued by the KBEMS office:
  - (a) Operating name of the MIH program;
  - (b) Physical location of the MIH program's primary administrative office of operation;
  - (c) The number and physical location of satellite locations, if any, operated by the MIH program;
  - (d) The license classification;
  - (e) The level of service provided;
  - (f) The number of equipment sets operated by the MIH program; and
  - (g) The specific geographic area to be served by the MIH program.
- (6) A MIH program license shall expire annually on December 31.

Section 4. Renewal of a Mobile Integrated Healthcare Program License. To renew a Class V MIH program license, the license holder shall:

- (1) Submit to the KBEMS office a completed Mobile Integrated Healthcare Program Renewal Application;
- (2) Pass an inspection conducted by the KBEMS office of the MIH program's premises, equipment, supplies, and records; and
- (3) Submit to the KBEMS office the fee established in 202 KAR 7:030.

Section 5. Inspections.

- (1) Compliance with licensing pursuant to this administrative regulation shall be validated through on-site inspections of the MIH program by representatives or employees of the KBEMS office. The inspection shall include a:
  - (a) Review of all equipment and supplies stocked; and
  - (b) Review of personnel records, policy manuals, and other reports required to be maintained pursuant to 202 KAR Chapter 7.
- (2) Each representative or employee of the KBEMS office shall have access to the MIH program's premises, records, and equipment during the hours that the MIH program operates.
- (3) Notice of a regulatory violation identified during an inspection shall be transmitted in writing to the MIH program by the KBEMS office.
- (4) Within ten (10) business days of receipt of notice of a regulatory violation, the MIH program shall submit a written plan for the elimination or correction of the regulatory violation to the KBEMS office.
- (5) The plan shall specify the date by which the violations will be corrected.
- (6) Within ten (10) business days following receipt of the plan, the KBEMS office shall notify the MIH program, in writing, whether the plan is accepted as providing for the elimination or correction of the violation.
- (7) The KBEMS office may conduct follow-up visits to verify compliance with the plan.
- (8) If a portion or all **of** the plan is unacceptable:
  - (a) The KBEMS office shall specify, in writing, why the plan is unacceptable; and
  - (b) The provider shall modify or amend the plan and resubmit it to the KBEMS office within ten (10) business days after receipt of notice that the plan is unacceptable.
- (9) Unannounced inspections of an MIH program may be conducted for a:
  - (a) Complaint allegation;
  - (b) Follow-up visit; or



(c) Relicensing inspection.

Section 6. Unethical Conduct. The following acts shall be considered unethical conduct in the practice of providing MIH, and an MIH program or its EMS personnel shall be subject to disciplinary action and sanctions in accordance with KRS Chapters 311A and 13B~~[-for such conduct]~~:

- (1) Failing to submit, amend, or modify a plan of correction to eliminate or correct a regulatory violation;
- (2) Failing to eliminate or correct a regulatory violation;
- (3) Falsifying an application for licensure;
- (4) Changing a license issued by the board without board approval; or
- (5) Attempting to obtain or obtaining a license by:
  - (a) Fraud;
  - (b) Forgery;
  - (c) Deception;
  - (d) Misrepresentation;~~[-or]~~
  - (e) Subterfuge;
  - (f) Providing false or misleading advertising;
  - (g) Falsifying, or causing to be falsified, reports regarding patient care or other reports provided to the KBEMS office;
  - (h) Providing an unauthorized level of service;
  - (i) Failing to provide the board or its representative with information upon request, or obstructing an investigation regarding alleged or confirmed violations of KRS Chapter 311A or 202 KAR Chapter 7;
  - (j) Issuing a payment on an invalid account or an account with insufficient funds to pay established fees, fines, or charges;
  - (k) Submitting fraudulent or misleading claims for reimbursement; or
  - (l) Failing to comply with local ordinances, federal statutes, KRS Chapter 311A, or 202 KAR Chapter 7.

Section 7. Public Notice of Negative Action. The KBEMS office shall publish on the KBEMS web site, or shall otherwise disseminate, the name of any MIH program that is fined, placed on probationary status, placed on restricted status, suspended, or that has had its license revoked.

Section 8. Management Requirements for Mobile Integrated Healthcare Programs.

(1) All MIH programs shall maintain:

- (a) An organizational chart that establishes lines of authority, including the designation of:
  1. An administrator responsible for ensuring compliance with KRS Chapter 311A and 202 KAR Chapter 7 during the daily operation of the MIH program; and
  2. A designee who shall serve in the absence of the administrator;
- (b) Records and reports at the MIH program's primary administrative office, including:
  1. An original, electronic equivalent, or copy of all patient care records;
  2. An electronic copy of all completed patient care reports, which shall be maintained to ensure confidentiality and safekeeping for at least seven (7) years from the date on which the service was rendered or, in the case of a minor, at least three (3) years after the minor reaches the age of majority;
  3. Copies of patient care reports for the preceding twelve (12) months, which shall be accessible and be immediately available to the board, KBEMS office, or their representatives upon request; and
  4. Referrals for service received or made by the MIH program, which shall be maintained to ensure confidentiality and safekeeping for at least seven (7) years from the date on which the service was rendered or, in the case of a minor, at least three (3) years after the minor reaches the age of majority;

(c) Personnel files for each employee or volunteer who performs MIH activities on behalf of a MIH program. Personnel files shall be maintained for at least one (1) year following separation from employment. At a minimum, all personnel files shall contain:

1. A pre-employment and annual criminal background check administered by the Kentucky Administrative Office of the Courts; and
2. A copy of the employee's valid KBEMS certification or licensure card, if any;

(d) A written plan for providers to consult with online medical control for the patient population they are treating. This plan shall address at a minimum:

1. The availability of medical direction during hours of operation;
2. The availability of medical direction during an emergency event;
3. The provision of medical direction by a medical professional with a higher level of training or expertise; and
4. Recommended actions if:
  - a. There is an equipment failure, a communication barrier, or other unusual circumstance; and
  - b. It is not possible to contact online medical direction;

(e) A plan and records for the provision of continuing education for staff and volunteers, including:

1. A written plan for the method of assessing the continuing education needs of the MIH program's staff; and
2. A coordinated plan to meet those needs, including a provision that all continuing education shall be provided either by a licensed EMS-TEI or in accordance with 202 KAR 7:601;

(f) An infection control plan in accordance with 29 C.F.R. ~~[§]~~1910.1030;

(g) Policies and procedures ~~that~~**[which]** address the assessment, planning, and care coordination services while providing MIH services. At a minimum, ~~the~~**[-such]** policies shall address:

1. Securing consent to obtain or release patient medical records to other healthcare providers;
2. Coordination of care and reporting to discharge planners, home health agencies, primary care providers, and other organizations;
3. Referral process to other outpatient care providers appropriate to address the needs identified in the patient care planning;
4. Identification of patients eligible for services;
5. Discontinuation of care and completion of care goals;
6. Documentation requirements for each visit; and
7. Patient communication and contact with the MIH program and its staff;

(h) A written plan for the quality assessment of patient care and provider quality improvement, including a monthly review of patient care reports and evaluation of staff performance related to patient care. This plan shall address at a minimum:

1. Employee health and safety;
2. Compliance with protocols and operating procedures;
3. Additional training necessary for the patient care provider or providers;
4. Equipment preventive maintenance programs; and
5. A process for the resolution of customer complaints;

(i) A written orientation program for all personnel, including at a minimum:

1. Validation of certification or license with KBEMS;
2. A review of all agency policies, procedures, and protocols;
3. Operational aspects of the equipment;
4. Inspection and routine maintenance of equipment;
5. Appropriate processes for disinfection of equipment;

6. Local navigation and geographic orientation; and

7. Completion of patient care reports and other documentation as established by the MIH program; and

(j) Proof of professional liability malpractice insurance of a minimum of \$1,000,000.

(2) Each agency shall notify the board at least twenty-four (24) hours prior to the transfer of coverage, cancellation, lapse, or other cessation or change in professional liability malpractice insurance.

(3) Each MIH program shall verify valid staff certification or licensure as of the first day of the calendar year.

(4) If ceasing to operate, a MIH program shall provide the KBEMS office with the physical storage location of all patient care reports within five (5) business days of closure. The reports shall be maintained by the owner of the MIH program or a contracted third party to meet the retention requirements established in subsection (1)(b) of this section.

#### Section 9. Operating Requirements for Mobile Integrated Healthcare Programs.

(1) Each MIH program shall establish and publish its hours of operation for its geographic service area.

(2) Each MIH program shall retain staffing schedules for at least the previous twelve (12) months.

(3) A MIH program shall have a written scope of care policy which includes the types of services performed, limitations of response, and the types of medical teams provided.

(4) A MIH program shall promptly submit any changes to its written scope of care policy to the KBEMS office.

(5) Each MIH program shall post fee schedules in accordance with KRS 311A.032(1)(a) and 202 KAR 7:575.

#### Section 10. Staffing Requirement for Mobile Integrated Healthcare Programs. Each MIH program shall, at a minimum, be staffed by one (1) advanced practice paramedic licensed by the board and certified by the board as a community paramedic.

#### Section 11. Medical Directors of Mobile Integrated Healthcare Programs.

(1) Each MIH program shall have a medical director who meets the requirements established in 202 KAR 7:801.

(2) A MIH program shall notify the KBEMS office within twenty-four (24) hours of a decision to discontinue a medical director agreement by either MIH program or the medical director.

(3) If a MIH program is found to be operating without a medical director, the MIH program shall be provided emergency medical direction by the KBEMS medical advisor for a fee of \$100 per day for the first thirty (30) calendar days that the MIH program is without a medical director, and for a fee of \$500 per day thereafter.

#### Section 12. Equipment Requirements for Mobile Integrated Healthcare Programs.

(1) Each MIH program shall maintain evidence in the form of a letter that its medical protocols have been reviewed and approved by the board in accordance with KRS 311A.180. A hard copy or electronic equivalent of approved protocols shall be accessible to each provider throughout each patient encounter.

(2) A MIH program shall stock and maintain drugs and medications as required by the master drug list contained in protocols established in accordance with this section.

(3) Controlled drugs shall be stored in a locked storage box in a locked compartment that is accessible to emergency medical services personnel.

(4) A MIH program may maintain other supplies or equipment that are required to carry out its protocols as approved by the board in accordance with KRS 311A.180.

(5) All items with expiration dates that are maintained by a MIH program shall not be expired.

(6) A MIH program shall establish a master equipment and medication list by policy. All equipment and medication required by MIH program policy shall be fully operational and available for each patient encounter.

Section 13. Incorporation by Reference. ***(1) The following material is incorporated by reference:***

***(a) [(1)] "Mobile Integrated Healthcare Program License Application", July 2024; and***

***(b) "Mobile Integrated Healthcare Program Renewal Application", December 2024 [is incorporated by reference].***

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained at [kbems.ky.gov](http://kbems.ky.gov).

▼ Instructions



## Kentucky Board of Emergency Medical Services 2025 Class V Agency Inspection / 2026 License Renewal (For Agency Licenses Expiring 12/31/2025)

This application MUST be submitted (including the renewal fee payment) prior to the onsite agency inspection.

**\*Application Has Two Parts**

I understand this application has two parts and that payment must be submitted before proceeding to upload required documentation.

**\*Who is your agency's assigned KBEMS Inspector/Liaison?**

- Bryan Morris
- Ray Chesney
- Levi Hanshaw

▼ Agency Information

You cannot edit the agency information on this page. If the information is not correct, submit a [support ticket](https://kbems.ky.gov/Pages/Contact-Us.aspx) (https://kbems.ky.gov/Pages/Contact-Us.aspx) before proceeding with the application. Select Inspector/Field Operations in the subject line of your support ticket.

**\*Agency Name**

**\*License Number**

**\*Physical Address Street 1**

**Physical Address Street 2**

**\*Physical Address Postal Code**

Lookup

**\*Physical Address City**

**\*Physical Address County**

**\*Physical Address State**

**\*Phone**

 -  -  Ext: 

**\*Confirm Primary Agency Contact Email**

**\*Classification**

- I
- II
- III
- IV
- V
- VI
- VII
- VIII
- TEI
- EMS-TEI 1
- EMS-TEI 2
- EMS-TEI 3
- EMS-TEI 4
- EMS-TEI CE
- Unlicensed

**▼ Payment Selection**

Please assist KBEMS in processing by answering a few questions about Payment Options.

**\*What method of Payment will you be using?**

- Credit Card
- Check

**If payment is other than electronic (Check) when do you plan to submit payment?**

 Today

**\*Do you need an invoice emailed in order to initiate payment?**

- Yes
- No

▼ Service Area, Locations, and Vehicles

You cannot edit the information on this page. If the information is not correct, submit a [support ticket](https://kbems.ky.gov/Pages/Contact-Us.aspx) (<https://kbems.ky.gov/Pages/Contact-Us.aspx>), and select Inspector/Field Operations in the subject line.

Service Area Name

Service Area Description

Service Area Type

States

Cities

Available

Selected

Counties

Available

Selected

Postal Codes

Available

Selected

Census Tracts

Available

Selected

Street 1

Street 2

City

County

**State**

**Postal Code**

**Lookup**

**Vehicle**

**Active**

Yes

No

**Location**



Signature and Submission

This declaration is an affirmation that this agency and all aspects of its operation shall be open to the inspection and surveillance of the Kentucky Board of Emergency Medical Services and the Commonwealth of Kentucky. I certify the information provided in this application is accurate and true to the best of my knowledge and recognize that falsification of this application may result in revocation of license(s).

KBEMS is paperless! By signing below, I affirm that I understand KBEMS will use electronic (email) communications as the primary method to communicate with EMS Agencies and Responders as of January 1, 2015. I shall make sure the email address on file in KEMSIS is current, accessible, and checked regularly.

**PAYMENT MUST BE SUBMITTED AFTER SUBMISSION, THEN PART B WILL APPEAR FOR UPLOADING THE REQUIRED DOCUMENTS**

\*Signature

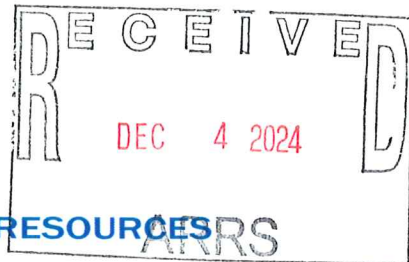
**Username:** dtaylor0001

**Password:**

## SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

The “Mobile Integrated Healthcare Program License Application”, July 2024, is the 8-page electronic form that individuals or organizations must complete and submit to be eligible for licensure as an a mobile integrated healthcare program.

The “Mobile Integrated Healthcare Program Renewal Application”, December 2024, is the 5-page electronic form that individuals or organizations must complete and submit to be eligible for renewal of a mobile integrated healthcare program license.



**KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES**

**Rich Storm**  
Commissioner

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

**Brian Clark**  
Deputy Commissioner

**Gabe Jenkins**  
Deputy Commissioner

December 4, 2024

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

Re: 301 KAR 3:005. Public use of newly acquired or newly managed lands.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 3:005 Public use of newly acquired or newly managed lands., Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 3:005.

Sincerely,

A handwritten signature in black ink that reads "Jenny Gilbert".

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

Final, 11-22-2024

SUGGESTED SUBSTITUTE

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

301 KAR 3:005. Public use of newly acquired or newly managed lands.

RELATES TO: KRS 150.010, 150.170, 150.175, 150.390

STATUTORY AUTHORITY: KRS 150.025(1), 150.620

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes[requires][authorizes] the Kentucky Department of Fish and Wildlife Resources[department] to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make administrative regulations apply to a limited area. KRS 150.620 authorizes[requires][authorizes] the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation. This administrative regulation establishes the requirements for the department to close seasons on newly acquired or managed properties or to establish requirements that are different from statewide season requirements or methods of take until the department can subsequently amend administrative regulations [~~within the first year a property is acquired or managed~~]. This administrative regulation also establishes the authority to restrict hunting, fishing, and trapping or methods of take in areas for reasons of public safety.

Section 1.

(1) Upon acquiring [~~or managing~~] new public land, the department shall[~~may~~] close the area to all hunting, fishing, or trapping or for certain [~~game~~] species for up to the first three (3) years of ownership if[~~during the first year of ownership or management if an imminent risk is present regarding~~]:

(a) Inadvertent trespassing on adjacent private land by hunters, anglers, or trappers due to a lack of adequate boundary marking is likely; or[Human safety;]

(b) The activity would have a[A] negative impact to wildlife populations.[; or]

~~[(c) [Inadvertent trespassing on adjacent private land by hunters due to a lack of adequate boundary marking.]]~~

(2) The department shall close areas to all hunting, fishing, or trapping or consumption of certain species if:

(a) The department determines the area is unsafe for hunting, fishing, or trapping due to:

1. Hazards that exist on the area which pose a substantial risk of harm to members of the public engaged in *the[said]* activity;

2. The area being adjacent to or near residential dwellings or commercial development; or

3. Construction activities;

(b) The area is deemed unsuitable for hunting, fishing, or trapping due to:

1. The department establishing the area for use as office space, equipment storage, parking, habitat preservation, a shooting range, boat ramp access, or exclusively for educational purposes;[;] or

2. Ongoing management, habitat improvement, or research by the department which would conflict with *the[said]* activity; or

(c) Species found within the area are deemed unsafe or unsuitable for consumption based upon suspected or confirmed environmental hazards or disease.

(3) An area shall be closed for hunting and trapping if *the[said]* area is established by the department exclusively for public fishing access.

(4) If there are[is] any restrictions[~~deviation from statewide hunting or trapping seasons during the first year of ownership or management,~~] as established pursuant to[~~in~~] subsection (1), (2), or (3) of this section, the department shall inform the public by:

(a) Conspicuously posting the requirements on signage at major access points on the area; and

(b) Posting the area requirements on the department's Web site at fw.ky.gov.

Section 2.

(1) Upon acquiring or managing new public land, the department may establish temporary device~~[during the first year of ownership or management on the area, weapons]~~ restrictions for ~~[deer-]~~hunting that differ from statewide requirements, for up to three (3) years, if an imminent risk is present regarding:

(a) Human safety; or

(b) A negative impact on the area's ~~[deer-]~~population of a species.

(2) Upon acquiring or managing new public land, the department may establish temporary gear, size limits, or harvest limits that differ from statewide fishing requirements, for up to three (3) years, if an imminent risk is present regarding a negative impact on the area's population of aquatic species.

(3) If there is any deviation from statewide device requirements regarding methods of take, as established in subsections~~[subsection]~~ (1) and (2) of this section, the department shall inform the public as established in Section 1(4)~~[Section 1(2)]~~ of this administrative regulation.

~~[Section 3.] [A hunter or trapper shall comply with the area requirements on newly acquired or managed lands as established in Sections 1 and 2 of this administrative regulation.]~~

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, Frankfort, Kentucky 40601, Phone: (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

At the time that the agency files this staff amendment, it needs to file one (1) clean corrected copy of the RIA that includes an answer to Question 9 on tiering and also explains why tiering is not applied.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 3:005

Contact Person: Jenny Gilbert

Phone: 502-564-3400

Email: jenny.gilbert@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes authority for the department to place restrictions for hunting, fishing, trapping and access for newly acquired or managed lands or other lands for safety or wildlife management concerns.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements for the department to close seasons on newly acquired or managed properties or to establish requirements that are different from statewide season requirements or methods of take until the department can subsequently amend administrative regulations. This administrative regulation is also necessary to establish the authority to restrict hunting, fishing, and trapping or methods of take in areas for reasons of public safety.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) requires the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make administrative regulations apply to a limited area, regulate any method of take and restrict the places where taking is permitted. KRS 150.620 requires the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes when, how and duration of restrictions to normal hunting, fishing and trapping activities on newly acquired or managed lands or on lands to address public safety concerns.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendments will change time allowed for temporary restrictions on newly acquired or managed lands, increasing the duration from one year to three years. It also establishes the closure of areas to hunting, fishing or trapping when said properties are incompatible for those activities or deemed unsafe.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to expand the time available to promulgate permanent regulations, prepare

properties for public use and perform wildlife or habitat management activities for newly acquired or managed lands. The amendment is also necessary to establish public safety protections for temporary or long-term safety concerns.

(c) How the amendment conforms to the content of the authorizing statutes: See 1(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See 1(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Any individual, business, organization or government entity utilizing KDFWR owned or managed lands.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action is necessary except to follow the restrictions applicable to each property.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Benefits for users will include higher quality public lands, hazard avoidance and better infrastructure.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No added cost.

(b) On a continuing basis: No added cost.

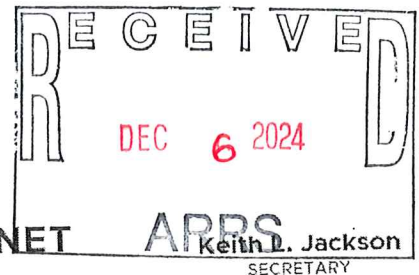
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: n/a

(9) TIERING: Is tiering applied? There is no tiering applied. This regulation relates to how KDFWR properties will be utilized, when they will be opened to the public, and what sort of restrictions will be applicable. All individuals will be subject to the same restrictions.





Andy Beshear  
GOVERNOR

**JUSTICE AND PUBLIC SAFETY CABINET**

125 Holmes St.  
Frankfort, Kentucky 40601  
Phone: (502) 564-7554  
Fax: (502) 564-4840

December 6, 2024

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

Re: **500 KAR 1:010**. Definitions for 500 KAR Chapter 1;  
500 KAR 1:021. Filing and processing of death benefit claims; and  
500 KAR 1:030. Request for hearing.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 500 KAR 1:010. Definitions for 500 KAR Chapter 1; 500 KAR 1:021. Filing and processing of death benefit claims; and 500 KAR 1:030. Request for hearing, the Justice and Public Safety Cabinet proposes the attached substitutes to 500 KAR 1:010. Definitions for 500 KAR Chapter 1; 500 KAR 1:021. Filing and processing of death benefit claims; and 500 KAR 1:030. Request for hearing.

Sincerely,

Nathan Goens, Attorney  
Justice and Public Safety Cabinet  
125 Holmes Street, 2<sup>nd</sup> Floor  
Frankfort, Kentucky 40601

enclosure

**SUGGESTED SUBSTITUTE**

**JUSTICE AND PUBLIC SAFETY CABINET**

**500 KAR 1:010. Definitions for 500 KAR Chapter 1.**

RELATES TO: KRS 61.315, 83A.087, 87A.088, 183.881, 446.010

STATUTORY AUTHORITY: KRS 61.315(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.315(2) authorizes payment to the surviving spouse and surviving children or parents of a police officer who dies in the line of duty. KRS 61.315(4) authorizes the Justice and Public Safety Cabinet to promulgate administrative regulations establishing criteria and procedures for death benefits for police officers as defined in KRS 61.315(1)(a) who die in the line of duty. KRS 61.315(4) authorizes the Justice and Public Safety Cabinet to promulgate administrative regulations applicable to the administration of payments, including defining when one has died in the line of duty. This administrative regulation ~~establishes~~provides the definitions ~~[of certain terms]~~ used in 500 KAR Chapter 1 ~~[which pertain to criteria and procedures applicable to the administration of benefits paid on death of police officers who have died in the line of duty, as required by KRS 61.315(4) to be promulgated by the Justice Cabinet].~~

Section 1. Definitions. The following definitions shall apply in this chapter:

- (1) "Act in the line of duty" means an activity or an action performed by a police officer, related to public safety, ~~[and]~~ that the police officer is obligated or authorized by statute, rule, **administrative** regulation, condition or policy of employment or service **with the public safety agency**, official mutual-aid agreement, or other law to perform, including any social, ceremonial, **or** athletic functions, any official training programs of the public agency **and** to which the police officer is assigned or for which the police officer is compensated ~~by~~, ~~under the auspices of~~ the public safety agency, organization, or unit he or she serves, and the public safety agency, organization, or unit legally recognizes that activity or action to have been so obligated or authorized at the time performed. This definition shall include authorized commuting.
- (2) "Authorized commuting" means travel, ~~[not being a frolic or detour,]~~ by a police officer **within the scope of his or her employment duties as** ~~[to and from an official training program]~~ authorized or required by the police officer's public safety agency, organization, or unit.
- (3) "Cabinet" means the Justice and Public Safety Cabinet.
- (4) "Child" means any natural, adopted, or posthumous child or child born out of wedlock of the deceased police officer who, at the time of the officer's death, is living or later is born alive.
- (5) "Claim administrator" means the individual at the cabinet assigned by the secretary to review and process line of duty death benefits claims.
- (6) "Claimant" means an individual who has filed a claim for death benefits pursuant to KRS 61.315 on his **or her** own behalf or on whose behalf a claim has been filed.
- (7) "Death" means the death of the police officer as a result of an act in the line of duty, including a death that is a direct result of a traumatic injury, wound, condition of the body, disease, or medical treatment received as a direct result from an act in the line of duty. This definition shall not include a death resulting from:
  - (a) A nonwork-related disease or condition ~~[or a routine work-related disease or condition common to the officer's occupation];~~

- (b) Intentional misconduct of the police officer;
- (c) The police officer's intention to bring about his **or her** death;
- (d) The police officer's willfulness or wanton disregard that brings about his **or her** death; or
- (e) Voluntary intoxication of the police officer **that[which]** is a contributing factor of the death.
- (8) "Determination" means the approval or denial of a claim.
- (9) "Direct result" or "direct and proximate cause" means something that is a substantial factor in bringing a condition about.
- (10) "Eligible survivor" means a spouse, child, or parent:
  - (a) Described in KRS 61.315(2) as being entitled to a benefit for the death of a police officer in the line of duty; and
  - (b) Who meets the requirements for payment described in KRS 61.315(2).
- (11) "Heart attack" means:
  - (a) A myocardial infarction; or
  - (b) A cardiac event including cessation, interruption, arrest, or other similar disturbance of heart function that is:
    - 1. Acute; and
    - 2. Directly and proximately caused by a pathology, or pathological condition of the heart or of the coronary arteries.
- (12) "Nonroutine strenuous physical activity" means an act in the line of duty that:
  - (a) Is not of a clerical, administrative, or nonmanual nature;
  - (b) Is not performed as a matter of routine; and
  - (c) Entails an unusually high level of physical exertion.
- (13) "Nonroutine stressful physical activity" means an act in the line of duty that:
  - (a) Is not of a clerical, administrative, or nonmanual nature;
  - (b) Is not performed as a matter of routine;
  - (c) Entails non-negligible physical exertion; and
  - (d) Occurs under circumstances that objectively and reasonably:
    - 1. Pose or simulate, in a realistic fashion, situations that pose significant dangers, threats, or hazards not faced by similarly-situated members of the public in the ordinary course; and
    - 2. Provoke an unusually high level of alarm, fear, or anxiety.
- (14) "Office of the Secretary" means the office of the secretary of the cabinet at 125 Holmes St, Frankfort, Kentucky 40601.
- (15) "Officer" or "police officer" is defined by KRS 61.315(1)(a).
- (16) "Parent" means a natural or adoptive parent of the police officer living at the time of the police officer's death.
- (17) "Posthumous child" means a biological child of the officer, and the officer is:
  - (a) Alive at the time of the child's conception; and
  - (b) Deceased at or before the time of the child's birth.
- (18) "Secretary" means the secretary of the cabinet.
- (19) "Spouse" means the lawfully wedded husband or wife of the deceased police officer living at the time of the officer's death and includes a spouse living apart from the officer at the time of the officer's death for any reason or a spouse involved in divorce proceedings if a final divorce decree has not been entered at the time of the police officer's death.
- (20) "Stroke" means a cerebrovascular incident.
- (21) "Substantial factor" means a factor that substantially brings about an event, if:
  - (a) The factor alone was sufficient to have caused the event; or

(b) No other factor or combination of factors contributed to the event to so great a degree as the factor in question.["Secretary" means the Secretary of the Justice Cabinet.]

[(2)] ["Cabinet" means the Justice Cabinet.]

[(3)] ["Police officer" means every paid police officer, sheriff or deputy sheriff, or any auxiliary police officer appointed pursuant to KRS 95.445, or any citation or safety officer appointed pursuant to KRS Chapter 83A, elected to office or employed by any Kentucky county or city, or by the state, or by an airport board created pursuant to KRS Chapter 183, or any member of the Kentucky National Guard on state active duty pursuant to KRS 38.030.]

[(4)] ["Claimant" means spouse, child or parent who files a claim for death benefits pursuant to KRS 61.315 with the Justice Cabinet.]

[(5)] ["Spouse" means the lawfully wedded husband or wife of the deceased police officer living at the time of the officer's death, and includes a spouse living apart from the officer at the time of the officer's death for any reason or a spouse involved in divorce proceedings if a final divorce decree has not been entered.]

[(6)] ["Children" means any natural, adopted or posthumous child or child born out of wedlock of the deceased police officer who, at the time of the officer's death is living or later is born alive.]

[(7)] ["Parent" means a natural or adoptive parent of the police officer living at the time of the police officer's death.]

[(8)] ["Death as a direct result of an act" means that the antecedent act, omission to act or event inflicted upon the police officer was the substantial factor in the result of the police officer's death.]

[(9)] ["Death" means the immediate death of the police officer from an act in the line of duty that resulted in his death, as well as a traumatic injury, wound, condition of the body or disease resulting therefrom or medical attention therefor that directly causes the death of the officer.]

[(10)] ["Act in the line of duty" means an act or omission to act by the police officer or event involving the police officer or external force upon the police officer while the officer is engaged in any action or duty which the officer is obligated or authorized by rule, administrative regulation, condition of employment or service, or law to perform for the public agency or office the police officer serves. Specifically, an act is not in the line of duty if the death was caused by:]

[(a)] [A nonwork-related disease or condition or a routine work-related disease or condition common to the officer's occupation;]

[(b)] [Intentional misconduct of the police officer;]

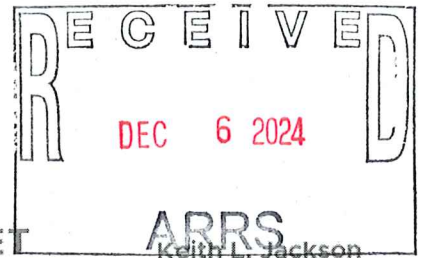
[(c)] [The police officer's intention to bring about his death;]

[(d)] [The police officer's willfulness or wanton disregard that brings about his death;]

[(e)] [Voluntary intoxication of the police officer which is a contributing factor of the death; or]

[(f)] [If the actions or omissions of the beneficiary was a substantial factor in the death of the police officer, recovery being precluded as to that beneficiary only.]

[(11)] ["Office of the Secretary" as used herein means the person designated by the secretary of the cabinet to receive, process and make eligibility determinations on claims for benefits to be paid on death of a police officer pursuant to KRS 61.315. The address of the Office of the Secretary for filing claims is: Assistant General Counsel, Justice and Public Safety Cabinet, Office of Legal Services, Department of Criminal Justice Training, Funderburk Building, 521 Lancaster Avenue, Richmond, Kentucky 40475-3102.]



Andy Beshear  
GOVERNOR

**JUSTICE AND PUBLIC SAFETY CABINET**

125 Holmes St.  
Frankfort, Kentucky 40601  
Phone: (502) 564-7554  
Fax: (502) 564-4840

December 6, 2024

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

Re: 500 KAR 1:010. Definitions for 500 KAR Chapter 1;  
500 KAR 1:021. Filing and processing of death benefit claims; and  
500 KAR 1:030. Request for hearing.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 500 KAR 1:010. Definitions for 500 KAR Chapter 1; 500 KAR 1:021. Filing and processing of death benefit claims; and 500 KAR 1:030. Request for hearing, the Justice and Public Safety Cabinet proposes the attached substitutes to 500 KAR 1:010. Definitions for 500 KAR Chapter 1; 500 KAR 1:021. Filing and processing of death benefit claims; and 500 KAR 1:030. Request for hearing.

Sincerely,

Nathan Goens, Attorney  
Justice and Public Safety Cabinet  
125 Holmes Street, 2<sup>nd</sup> Floor  
Frankfort, Kentucky 40601

enclosure

**SUGGESTED SUBSTITUTE**

**JUSTICE AND PUBLIC SAFETY CABINET**

**500 KAR 1:021. Filing and processing of death benefit claims.**

RELATES TO: KRS 61.315, 83A.087, 87A.088, 95.445, Chapter 183, 446.010

STATUTORY AUTHORITY: KRS 61.315(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.315(2) authorizes payment to the surviving spouse and surviving children or parents of a police officer who dies in the line of duty. KRS 61.315(4) authorizes the Justice and Public Safety Cabinet to promulgate administrative regulations establishing criteria and procedures for **death benefits for police officers as defined in KRS 61.315(1)(a) who die**~~[these payments concerning deceased police officers as defined in KRS 61.315(1)(a), including defining when one has died]~~ in the line of duty. This administrative regulation provides criteria and procedures applicable to **the** filing and processing of death benefit claims.

Section 1. Submission of Claim.

(1) A claim for benefits pursuant to KRS 61.315(2) for the death of a police officer resulting from an act in the line of duty shall be made for an eligible claimant by filing with the claim administrator at the address indicated on the form:

(a) A complete Form 1, **Claim for Death Benefits**~~[incorporated by reference in this administrative regulation];~~

(b) All supporting documents or proof required **by/in** this administrative regulation; and

(c) A Form 2, **Report of Police Officer's Death**,~~[incorporated by reference in this administrative regulation]~~ completed by the police officer's employing public safety agency, organization, or unit with **the** required documentary proof.

(2) Form 1 shall be executed by the claimant or the claimant's legally designated representative with written proof of such designation.

(3) If the claimant is under a disability, including mental or physical incapacity or as a result of being a minor, the claim shall be submitted and executed by the claimant's legally appointed guardian, committee, trustee, or other legal representative with written proof of the disability and proof of the legal authority of representation by means of affidavit, certified court record, or other legal document.

(4) The claimant shall establish with evidence:

(a) That the police officer died as a result of an act in the line of duty as **established/set-out** in Section 3 of this administrative regulation;

(b) That the claimant is the spouse, child, or parent of the police officer as required by KRS 61.315(2); and

(c) The existence or nonexistence **of** other eligible claimants to establish priority and payment amounts pursuant to the claim.

(5) The claim for death benefits shall be filed within three (3) years of the date of the death of the police officer for which the claim is made, unless the secretary extends the filing deadline for good cause shown by the claimant.

(6) The claim administrator may require a claimant to submit additional information or evidence concerning the criteria for benefit eligibility, the correct survivor to receive the benefit, the amount of the benefit, or any other issue deemed material for the claim by the claim administrator.

(a) If information or evidence to support a condition required for eligibility is not submitted, the claim administrator shall inform the claimant of the required information or evidence. The claimant shall submit the evidence within ninety (90) days of the request for evidence unless the claim administrator extends the filing deadline for good cause shown by the claimant.

(b) The claimant's failure to submit evidence as requested by the claim administrator shall be a basis for determining that the claimant has failed to satisfy the conditions required to be eligible for death benefits.

(7) A claim for benefits may be withdrawn at any time upon written notice to the claim administrator signed by claimant or the claimant's legally designated representative.

## Section 2. Proof of Relationship.

### (1) Spouse.

(a) If the claimant is a spouse of the police officer, the spouse shall submit documentary proof of marriage in the form of:

1. A duly issued and certified **copy of the** marriage license or **marriage** certificate;
2. Any certified government or official report of the marriage;
3. An affidavit of the marriage officiant; or
4. An affidavit of two (2) witnesses of the marriage.

(b) The documentary proof submitted shall establish the:

1. Names of **persons/parties** married;
2. Date of marriage; and
3. Place of marriage.

(c) If the police officer was previously married, a certified **copy of the** divorce decree **or a certified divorce certificate** of each previous marriage for the police officer shall be submitted.

(d) If the spouse of the police officer was previously married, a certified **copy of the** divorce decree **or a certified divorce certificate** of each previous marriage for the spouse shall be submitted.

### (2) Child.

(a) If the claimant is a child of the police officer, documentary evidence of the relationship and age of the child shall be provided in the form of a certified official copy of a:

1. Birth certificate;
2. Adoption decree;
3. Paternity decree; **[or]**
4. Other government agency record that reveals the age and relationship of the child **to[with]** the deceased police officer; or
5. Other record admissible in **a court of competent jurisdiction[family court]** to determine the child's relationship to the officer including genetic test results; or

(b) If none of the documents listed in paragraph (a) of this subsection exist, affidavits of two (2) credible witnesses who are not beneficiaries of the benefit payment or an affidavit of the police officer executed prior to death establishing the police officer's recognition of the child as his or her natural or adopted child **shall be provided**.

### (3) Parent.

**(a)** If the claimant is a parent of the police officer, proof of the relationship shall be provided in the form of a certified official copy of:

**1. A[(a)]** birth certificate;

**2. An[(b)]** adoption decree;

**3. A[(c)]** paternity decree;

**4. A[(d) - Other]** government agency record that reveals the parental relationship with the deceased police officer; **or**

**5. A[(e) - Other]** record admissible in a court of competent jurisdiction~~[family court]~~ to determine the claimant's relationship to the officer including genetic test results; or

**(b)[(f)]** If none of the documents listed in paragraph~~[paragraphs]~~ (a) ~~[through (e)]~~ of this subsection exist, affidavits of two (2) credible witnesses who are not beneficiaries of the benefit payment establishing the police officer's recognition of the claimant as his or her parent **shall be provided**.

(4) If the claimant is claiming through an auxiliary police officer appointed pursuant to KRS 95.445, the claimant shall:

(a) Provide the ordinance establishing the auxiliary police force;

(b) Provide official records showing the police officer was appointed by the appropriate officials;

(c) State whether the appointment was for a third, fourth, fifth, or sixth class city or urban-county government; and

(d) State whether a first-class city is within the county wherein the auxiliary police officer was appointed.

(5) Unavailability of certified copies of records.

(a) If a certified copy of any record required in this section cannot be obtained through diligent effort, the claimant may submit an uncertified copy and explain the reason that the record is unavailable.

(b) The claim administrator shall notify the claimant or representative whether the explanation for unavailability is sufficient and **if** the copy **shall**~~[will]~~ be accepted.

### Section 3. Proof of Death as a Direct Result of an Act in the Line of Duty.

(1) To establish **that** the death of the police officer was the direct result of an act in the line of duty, the claimant shall provide a certified copy of the ~~[following]~~:

(a) Police officer's death certificate;

(b) Employment records substantiating the police officer's paid status as required by KRS 61.315(1)(a);

(c) Autopsy report, if performed;

(d) Toxicology report, if performed;

(e) Uniform incident report;

(f) Report of incident by investigating agency, if made;

(g) Investigative report prepared by the employing public safety agency, organization, or unit regarding the circumstances leading to the death; and

(h) Other documents to support eligibility as required by the claim administrator.

(2) A death of a police officer shall be presumed to be a direct result of an act in the line of duty if evidence establishes:

(a) The police officer's status as a police officer;

(b) The death results from the hostile action of an individual that knew of the officer's status as a police officer; and

(c) Nothing else motivated the individual's hostile action toward the police officer to so great a degree as either:

1. The police officer's status as a police officer; or

2. Retaliation for an act in the line of duty performed by a police officer.



(3) Death resulting from a heart attack, stroke, or vascular rupture suffered by a police officer shall be presumed to be a direct result of an act in the line of duty, if evidence establishes:

(a) The police officer ~~*was on duty or was on duty within twenty-four (24) hours[, while on duty:*~~

~~*1. Engaged in a situation involving a nonroutine stressful or strenuous physical activity; or  
2. Participated in a training exercise involving nonroutine stressful or strenuous physical activity;*~~ and

(b) ~~*[The heart attack, stroke, or vascular rupture commenced:*~~

~~*1. While the police officer was engaged or participating as described in subparagraphs 1. and 2. in paragraph (a) of subsection (3) of this section;*~~

~~*2. While the police officer remained on duty after being engaged or participating as described in subparagraphs 1. and 2. in paragraph (a) of subsection (3) of this section; or*~~

~~*3. Not later than twenty-four (24) hours after the police officer was engaged or participating as described in subparagraphs 1. and 2. in paragraph (a) of subsection (3) of this section; and*~~

~~*(e)]*~~ The heart attack, stroke, or vascular rupture was a substantial factor in the death of the police officer, unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.

(4) The death of a police officer from COVID-19 shall be presumed to be a direct result of an act in the line of duty, if evidence establishes:

(a) The police officer engaged in an act in the line of duty between January 1, 2020, and March 21, 2022;

(b) The police officer was diagnosed with COVID-19, or evidence indicates that the police officer had COVID-19, during the 45-day period beginning with the last day of the officer's duty within the parameters set forth in paragraph (a) of this subsection; and

(c) The police officer had COVID-19 or complications from COVID-19 at the time of his or her death, unless competent medical evidence exists to show that the police officer's death was directly and proximately caused by something other than COVID-19.

Section 4. Benefit Disqualification. If an act or omission of an eligible survivor was a substantial factor in the death of the police officer, benefits shall be precluded as to that eligible survivor only.

Section 5. Claim Decision.

(1) A claim is considered filed when the claim administrator receives Form 1.

(2) A claim is considered complete *if[when]*:

(a) All required forms, reports, documents, and evidence, including any requested information and evidence, are submitted to the claim administrator; or

(b) The time allowed to provide the required forms, reports, documents, and evidence has elapsed.

(3) The claim administrator shall provide written notice to the claimant or claimant's representative when the claim administrator considers the claim complete.

(4) The claim administrator shall make an eligibility determination on the claim within 120 days of the claim being considered complete.

(5) If a claimant is determined to be eligible for a benefit, the claim administrator shall:

(a) Notify the claimant in writing at the claimant's last known address of the determination; and

(b) Present the claim to the State Treasurer within forty (40) working days.

(6) If the claimant is determined not eligible for a benefit, the claim administrator shall:

(a) Notify the claimant in writing at claimant's last known address of the determination;

(b) Provide an explanation of the criteria that was not met; and

(c) State the appeal rights for the claim.

Section 6. Priority and Amount of Claim Benefits. The priority and amount of benefits paid shall comply with KRS 61.315.

Section 7. Rights to Appeal. An appeal shall ***proceed as established in***~~follow~~ 500 KAR 1:030.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Form 1, ***Claim for Death Benefits***", 2024 edition; and

(b) "Form 2, ***Report of Police Officer's Death***", 2024 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Line of Duty Death Benefits, 125 Holmes Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the agency Web site at <https://justice.ky.gov/Departments-Agencies/ols/Pages/lodd.aspx>.

Note: Material Incorporated by Reference:

Form 1

Instructions paragraph

After "line of duty", delete "line of duty".

Form 2

Check page 3 of your clean version to ensure it doesn't show deletions and insertions.

FORM 1  
**CLAIM FOR DEATH BENEFITS**  
*(To be completed by family of deceased or authorized representative)*

**FOR CABINET USE ONLY**

CASE NO.:	
DATE RECEIVED:	

Name of Deceased (last, first, middle):	Social Security No.:	Date of Injury:	Date of Death:
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Name and address of public safety agency, organization or unit in which service death occurred:

**INSTRUCTIONS:** A claim should be filed when an eligible police officer has died as a result of an act in the line of duty. **WHO SHOULD FILE:** (1) Surviving Spouse (Complete Part 1); (2) Child or Children of the Deceased (Complete Part 2); or (3) Parent or Parents of the Deceased if there are no surviving spouse or children (Complete Part 3). Where documentation is required, a properly certified copy of the record shall be attached. See KRS 61.315(2), 500 KAR 1:010 through 500 KAR 1:030.

**PART 1:**  
**INFORMATION ON SURVIVING SPOUSE**

When at the time of the police officer's death, the police officer was survived by a spouse, this part shall be completed. Please attach required documentation. See KRS 61.315(2), 500 KAR 1:010 through 500 KAR 1:030.

Name of Spouse (*first, middle, last, maiden*):

Social Security No.:

Mailing Address:

Email Address:

Phone No.:

Was the police officer previously married to anyone other than current spouse else? (*please select one*)

Yes  No  Unknown

*If answer is yes, submit documents to show dissolution of prior marriage.*

Does deceased police officer have any children from a previous marriage or relationship? (*please select one*)

Yes  No  Unknown

*If answer is yes, include under Part 2 or explain on separate sheet and attach to this form.*

**PART 2:**  
**INFORMATION ON CHILDREN**

If the police officer was survived by a natural, adopted, or posthumous child\*, this part shall be completed and required documentation attached. See KRS 61.315(2), 500 KAR 1:010 through 500 KAR 1:030.

Child's Full Name:	Social Security No.:	Date of Birth:	Mailing Address:	Telephone No.:

\*an infant born following the death of the parent.

Has a legal guardian been appointed for any of the above-mentioned children?  Yes  No  Unknown  
 (If yes, give name and mailing address of guardian of each child.)  
 (Legal guardianship documents shall be attached in the event benefits may be awarded to children under guardianship.)

Guardian(s) Name:	Social Security No.:	Mailing Address:	Guardian For (list children's names):	Phone No.:

**PART 3:**  
**PARENT(S) OF OFFICER**  
 If at the time of death, the police officer was not survived by a spouse or children and a parent of the deceased survives, this part shall be completed, and the required documentation attached. See KRS 61.315(2), 500 KAR 1:010 through 500 KAR 1:030.

Full Name of Parent-Claimants:	Social Security No.:	Mailing Address:	Telephone No.:

I hereby make claim for compensation for myself as, or on behalf of, a spouse, child or children or other eligible claimants listed above, for the death of the above-named police officer who died as a result of an act in the line of duty. Every statement and information set forth herein is true to the best of my knowledge and belief.

A false answer to any question in this statement may be grounds for non-eligibility for benefits and may be punishable by fine or imprisonment. All the information you give will be considered in reviewing the claim and is subject to investigation.

Signature of Claimant or Authorized Representative*		Date:
Mailing Address:	Phone No.:	Email Address:

\*This claim may be prepared by a person acting on behalf of the claimant(s) such as a parent, legally appointed guardian, other legal representatives, or duly designated representatives of the claimant(s). Evidence of authority to represent claimant(s) shall be attached.

Mail completed form to:  
 Justice and Public Safety Cabinet, Death Claims Administrator  
 125 Holmes Street  
 Frankfort, KY 40601

FORM 2  
 REPORT OF POLICE OFFICER'S DEATH  
 (To be completed by law enforcement agency of deceased)

**FOR CABINET USE ONLY**

CASE NO.:	
DATE RECEIVED:	

Name of public safety agency, organization, or unit in which officer's death as a result of an act in the line of duty occurred:	Address of public safety agency, organization, or unit in which officer's death as a result of an act in the line of duty occurred:
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**PART 1:**

**NOTICE OF LINE OF DUTY DEATH OF POLICE OFFICER**

Name of deceased police officer ( <i>last, first, middle</i> ):	Social Security No.:	Date of Injury:	Date of Death:
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Deceased police officer's last mailing address:

Name of decedents superior officer:	Telephone No.:
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Was injury contributed to by:	YES <i>Attach explanations for any yes answers.</i>	NO	UNKNOWN
Police officer's prior disease or injury?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Police officer's intentional misconduct?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Police officer's willful or wanton disregard?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Police officer's intent to bring about own death?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Police officer's voluntary intoxication?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Any person who may be entitled to benefit?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Provide proof of wage payments, amounts and last pay period dates**

Police officer's employment status when injury occurred:	Full-Time: <input type="radio"/>	Part-Time: <input type="radio"/>	Volunteer: <input type="radio"/>	Other ( <i>please explain</i> ):
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**Part 2:**

PLEASE CHECK AND ATTACH ALL APPLICABLE REPORTS RELATING TO THE DIRECT CAUSE OF/OR PROXIMATE CAUSE OF DEATH. SEE 500 KAR 1:010 through 500 KAR 1:030.

**Certified copy of original reports attached (*check all that apply*):**

Medical Report <i>(attending physician)</i>	Autopsy Report	Death Certificate	Coroner's Report	Investigation Report
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Other (*please explain*):

If no investigation report exists, please provide statement of circumstances leading to death. Please attach additional pages, if needed.

If known, give name and address of witness(es) with whom police officer was involved when injured, if not provided in the above reports:

Witness(es):	Mailing address:	Phone No.

**Part 3:  
INFORMATION CONCERNING POSSIBLE CLAIMANTS**

Name of claimant:	Relationship to deceased officer:	Birthdate of claimant:	Social Security No. of claimant:	Mailing address of claimant:	Phone No. of claimant:

*List surviving parents only when neither spouse nor children survive decedent.*

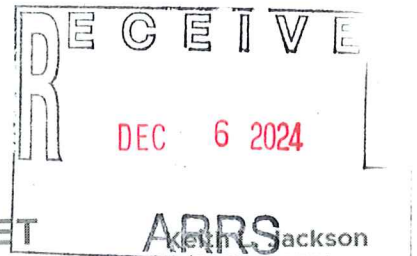
**Part 4: CERTIFICATIONS**

A false answer to any question in this statement may be grounds for non-payment of benefits and may be punishable by fine or imprisonment. All the information given will be considered in reviewing the claim and is subject to investigation.

Employing Organization - To the best of my knowledge and belief, the above stated information is true and complete.

Name and Title:	Organization:	Date:
Mailing address:	Phone No.:	Email address:
Signature:		

MAIL COMPLETED FORM TO:  
Justice and Public Safety Cabinet, Death Claims Administrator  
125 Holmes St  
Frankfort, KY 40601



Andy Beshear  
GOVERNOR

**JUSTICE AND PUBLIC SAFETY CABINET**

125 Holmes St.  
Frankfort, Kentucky 40601  
Phone: (502) 564-7554  
Fax: (502) 564-4840

December 6, 2024

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

Re: 500 KAR 1:010. Definitions for 500 KAR Chapter 1;  
500 KAR 1:021. Filing and processing of death benefit claims; and  
**500 KAR 1:030. Request for hearing.**

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 500 KAR 1:010. Definitions for 500 KAR Chapter 1; 500 KAR 1:021. Filing and processing of death benefit claims; and 500 KAR 1:030. Request for hearing, the Justice and Public Safety Cabinet proposes the attached substitutes to 500 KAR 1:010. Definitions for 500 KAR Chapter 1; 500 KAR 1:021. Filing and processing of death benefit claims; and 500 KAR 1:030. Request for hearing.

Sincerely,

Nathan Goens, Attorney  
Justice and Public Safety Cabinet  
125 Holmes Street, 2<sup>nd</sup> Floor  
Frankfort, Kentucky 40601

enclosure



**SUGGESTED SUBSTITUTE**

**JUSTICE AND PUBLIC SAFETY CABINET**

**500 KAR 1:030. Request for hearing.**

RELATES TO: KRS ***Chapter 13B***, 61.315

STATUTORY AUTHORITY: KRS 61.315(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.315(2) authorizes payment to the surviving spouse and surviving children or parents of a police officer who dies in the line of duty. KRS 61.315(4) authorizes the Justice and Public Safety Cabinet to promulgate administrative regulations establishing criteria and procedures for death benefits for police officers who die in the line of duty. This administrative regulation provides the procedures for~~[applicable to]~~ a claimant ~~[who desires]~~ to request a hearing for denial of~~[concerning claimant's eligibility for]~~ benefits for the~~[paid on]~~ death of a police officer ~~[who has died]~~ in the line of duty pursuant to KRS 61.315(4).

Section 1. Administrative Review.

(1) A claimant may, within thirty (30) days after notification of ineligibility by the claim administrator~~[office of the secretary]~~, request a hearing before the secretary to review the claimant's request for death benefits. The~~[A]~~ request for a hearing shall ~~[be]~~:

(a) ***Be*** in writing;

(b) ***Be*** received by ***the*** office of the secretary within thirty (30) days of the date of the notice of ineligibility; and

(c) ***Establish***~~[Set forth]~~ the exceptions taken to the notice of ineligibility.~~[Filed in writing with the office of the secretary within thirty (30) days of the date of the notice of ineligibility and shall set forth the exceptions taken to the initial determination of ineligibility.]~~

(2) The hearing shall be held within ninety (90)~~[sixty (60)]~~ days of receipt of the request for a hearing and shall be conducted by the secretary or the secretary's designated hearing officer. If a hearing officer conducts the hearing, the hearing officer shall submit findings of fact, conclusions of law, and a recommended decision to the secretary. The hearing shall be held at a time and place designated by the secretary or the designated hearing officer with written notice ~~[being]~~ sent to the claimant and the cabinet's representative, if any, ***pursuant to KRS Chapter 13B***.

(3) The hearing shall provide the claimant and the cabinet's representative, if any, with an opportunity to be heard publicly, to be represented by counsel, and to put on proof by sworn witnesses, certified records, affidavits, exhibits, or other evidence as the hearing officer or secretary may determine to be required or useful in evaluating the claim. The claimant shall have the opportunity to cross-examine or rebut adverse testimony or evidence. The hearing shall be recorded and the original of the complete transcript shall be made a part of the claims record at claimant's cost, if requested by the claimant to be transcribed.

(4) Failure of the claimant or claimant's representative to appear at the hearing shall be deemed an abandonment of the claimant's request for a review of the decision adverse to the claimant's request for benefits unless within ten (10) days of the hearing good cause is shown to the secretary or the hearing officer for the claimant's failure to appear by means of affidavit filed with the secretary.

- (5) The secretary or secretary's designated hearing officer [~~designated~~] may, whenever necessary, administer oaths, examine witnesses, or continue the hearing to facilitate the receipt of evidence.
- (6) The claimant shall bear the burden of proof by substantial, reliable, and probative evidence.
- (7) A ~~No~~ payment shall not be made of any portion of a death benefit [~~shall be made~~] until all determinations, hearings, and reviews that [~~which~~] may affect that payment have been completed.
- (8) In conducting the hearing, the secretary or secretary's designated hearing officer shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedures, but he or she shall [~~must~~] conduct the hearing in [~~such~~] a manner [~~as~~] to best ascertain the rights of the claimant. The secretary or secretary's designated hearing officer may additionally schedule a prehearing conference upon its own motion or motion of a [~~the~~] party to consider such matters that will aid in the simplification of the hearing or avoidance of costly or unnecessary proof or manner for presenting proof.
- (9) Within sixty (60) days following the hearing, the secretary shall issue a written opinion, containing findings of facts and conclusions of law to support the decision. A copy of the decision shall be provided to all parties at their last known address. The decision of the secretary shall be the final decision of the cabinet ***and shall be subject to review as provided by KRS Chapter 13B.***
- (10) Upon a favorable decision to claimant, which has become final, payment shall be made to the claimant as soon thereafter as practicable, with the [~~Justice~~] cabinet presenting the claim to the State Treasurer within five (5) working days.

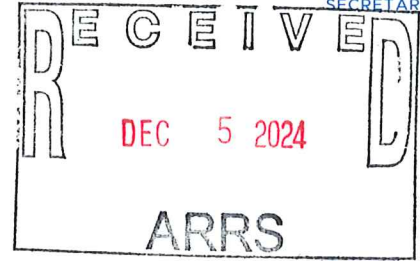


Andy Beshear  
GOVERNOR

## TRANSPORTATION CABINET

200 Mero Street  
Frankfort, Kentucky 40601

Jim Gray  
SECRETARY



December 5, 2024

Senator Stephen West  
Representative Derek Lewis  
Legislative Research Commission  
083, Capitol Annex  
702 Capitol Avenue  
Frankfort, KY 4060

Dear Co-Chairs:

After consideration of the issues raised by 603 KAR 5:066, the Transportation Cabinet proposed the attached suggested substitute to this ordinary regulation.

Sincerely,

Jon Johnson, Assistant General Counsel  
Kentucky Transportation Cabinet  
Office of Legal Services  
200 Mero Street, 6<sup>th</sup> Floor  
Frankfort, KY 40622  
(502) 564-7650  
jon.johnson@ky.gov

**Subcommittee Substitute**

**TRANSPORTATION CABINET  
Department of Highways  
Division of Traffic Operations  
(As Amended at ARRS)**

**603 KAR 5:066. Weight (mass) limits for trucks.**

RELATES TO: KRS 189.222~~[(11)]~~[(10)], 23 C.F.R. 658

STATUTORY AUTHORITY: KRS 174.080, 189.222, 23 C.F.R. 658

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.222~~(1)~~[(11)][(10)] authorizes the Secretary of Transportation to establish reasonable weight (mass) limits for trucks using the state maintained highway system. This administrative regulation prescribes the maximum weight (mass) limits for each classification of roads in accordance with state and federal laws. These weights may only be exceeded if an overweight permit has been issued for the operation of a motor vehicle by the Transportation Cabinet.

Section 1. Highway Classifications and Truck Types.

(1) Trucking highways. All state maintained roads are assigned a classification~~[in 603 KAR 5:301]~~. Unless the motor vehicle being operated has been issued an overdimensional permit by the Transportation Cabinet, the maximum allowable gross weight (mass) for each classification shall be as follows:

(a) Class "AAA" shall have a maximum allowable gross weight (mass) of 80,000 pounds (36,287.36 kilograms).

(b) Class "AA" shall have a maximum allowable gross weight (mass) of 62,000 pounds (28,122.70 kilograms).

(c) Class "A" shall have a maximum allowable gross weight (mass) of 44,000 pounds (20,090.05 kilograms).

(2) Truck types. For the purpose of posting bridges at the site and for listing bridge weight (mass) restrictions in this administrative regulation, the following truck types shall be used:

(a) Type 1~~[-**This**]~~ shall be a single unit truck consisting of two (2) single axles.

(b) Type 2~~[-**This**]~~ shall be a single unit truck consisting of one (1) steering axle and two (2) axles in tandem arrangement.

(c) Type 3~~[-**This**]~~ shall be a truck consisting of one (1) steering axle and three (3) axles in tridem arrangement.

(d) Type 4~~[-**This**]~~ shall be a tractor-semitrailer combination truck consisting of five (5) or more axles.

(3) Trucks with an axle combination not covered in subsection (2) of this section may be restricted by weight (mass) based on their axle spacing and weight (mass) distribution per axle in accordance with state and federal law. Information on those restrictions shall be available from the Division of Motor Carriers, Overweight and Overdimensional Permit Section.

Section 2. "AAA" Highways Except Interstates. The maximum weight (mass) limits for trucks using

Class "AAA" highways, except the Interstate System, shall be as follows:

- (1) Gross weight (mass), including load, shall not exceed 80,000 pounds (36,287.36 kilograms).<sup>[i]</sup>
- (2) Tire weight (force). The weight (force) transmitted to the pavement shall not exceed the product of 700 pounds (317.51 kilograms) times the aggregate width in inches (meters) established from the manufacturer's stamped tire measurement for all tires.<sup>[i]</sup>
- (3) On Class "AAA" highways if a structure or bridge has a posted load limit of less than 80,000 pounds (36,287.36 kilograms), the posted limit shall not be exceeded.

Section 3. Interstate Highways. The maximum weight (mass) limits for trucks using Class "AAA" highways **that [which]** are a part of the Interstate System shall be as **follows [established in this section]**:

- (1) Gross weight (mass), including load, shall not exceed 80,000 pounds (36,287.36 kilograms).
- (2) Gross axle weight (mass) for a single axle shall not exceed 20,000 pounds (9071.84 kilograms) (with axles less than forty-two (42) inches (1.07 meters) apart to be considered as a single axle).
- (3) Gross weight (mass) shall not exceed 34,000 pounds (15,422.13 kilograms) on two (2) axles in tandem arrangement **that [which]** are spaced forty-two (42) inches (1.07 meters) or more apart and ninety-six (96) inches (2.44 meters) or less apart.
- (4) Gross weight (mass) shall not exceed 34,000 pounds (15,422.13 kilograms) on three (3) axles in tridem arrangement if the distance between the centers of one (1) and three (3) is ninety-six (96) inches (2.44 meters) or less.
- (5) Gross weight (mass) shall not exceed 48,000 pounds (21,772.42 kilograms) on three (3) axles in tridem arrangement if the distance between the centers of axles one (1) and three (3) is more than ninety-six (96) inches (2.44 meters) but less than 120 inches (3.05 meters), and the distance between any two (2) adjacent axles of the tridem is forty-two (42) inches (1.07 meters) or more, and the gross weight (mass) of the vehicle is less than or equal to 73,280 pounds (33,239.22 kilograms).
- (6) The maximum gross weight (mass) allowed on two (2) consecutive sets of tandem axles shall be 34,000 pounds (15,422.13 kilograms) each, if the distance between the first and last axles of the consecutive sets of axles is thirty-six (36) feet (10.98 meters) or more.
- (7) The maximum gross weight (mass) allowed on a vehicle with any other axle configuration shall be established by the bridge weight formula:  $W = 500 (LN/N-1 + 12N + 36)$  Where W equals gross weight, L equals distance in feet between the extreme axles of the group of consecutive axles under consideration and N equals the number of axles in the group. The load on any single axle in any arrangement shall not exceed 20,000 pounds (9071.84 kilograms) and the gross weight (mass) shall not exceed 80,000 pounds (36,287.36 kilograms). Any axle **that [which]** is not included in one (1) of the combinations set forth in this subsection shall be steerable.
- (8) Tire weight (force). The weight (force) transmitted to the pavement shall not exceed the product of 700 pounds (317.51 kilograms) times the aggregate width in inches (meters) established from the manufacturer's stamped tire measurement of all tires.
- (9) On Class "AAA" highways **that [which]** are part of the interstate system if a structure or bridge has a posted load limit of less than 80,000 pounds (36,287.36 kilograms), the posted limit shall not be exceeded.
- (10) Tolerances shall not be allowed on gross weight (mass), axle weight (mass), or combinations of axle weights (mass) on vehicles operating over a Class "AAA" highway **that [which]** is a part of

the Interstate System.

Section 4. "AA" Highways. The maximum weight (mass) for trucks using Class "AA" highways shall be as ***follows [established in this section]:***

(1) Gross weight (mass), including load, shall not exceed 62,000 pounds (28,122.7 kilograms).

(2) Gross axle weight (mass) for a single axle shall not exceed 20,000 pounds (9071.84 kilograms) (with axles less than forty-two (42) inches (1.07 meters) apart to be considered as a single axle).

(3) Gross weight (mass) shall not exceed 34,000 pounds (15,422.13 kilograms) on two (2) axles in tandem arrangement ***that [which]*** are spaced forty-two (42) inches (1.07 meters) or more apart and ninety-six (96) inches (2.44 meters) or less apart.

(4) Gross weight (mass) shall not exceed 34,000 pounds (15,422.13 kilograms) on three (3) axles in tridem arrangement if the distance between the centers of axles one (1) and three (3) is ninety-six (96) inches (2.44 meters) or less.

(5) Gross weight (mass) shall not exceed 48,000 pounds (21,772.42 kilograms) on three (3) axles in tridem arrangement if the distance between axles one (1) and three (3) is more than ninety-six (96) inches (2.44 meters) but less than 120 inches (3.05 meters) apart and the distance between any two (2) adjacent axles of the tridem is forty-two (42) inches (1.07 meters) or more.

(6) Tire weight (force). The weight (force) transmitted to the pavement shall not exceed 700 pounds (317.51 kilograms) times the aggregate width in inches (meters) established from the manufacturer's stamped tire measurement of all tires.

(7) On Class "AA" highways if a structure or bridge has a posted load limit of less than 62,000 pounds (28,122.7 kilograms), the posted limit shall not be exceeded.

(8) The maximum gross weight (mass) allowed on a vehicle with any other axle configuration shall be established by the bridge weight formula:  $W = 500 (LN/N-1 + 12N + 36)$  Where W equals gross weight, L equals distance in feet between the extreme axles of the group of consecutive axles under consideration and N equals the number of axles in the group. The load on any single axle in any arrangement shall not exceed 20,000 pounds (9071.84 kilograms) and the gross weight (mass) shall not exceed 62,000 pounds (28,122.7 kilograms). Any axle ***that [which]*** is not included in one (1) of the combinations set forth in this subsection shall be steerable.

Section 5. "A" Highways. The maximum weight (mass) limit for trucks using Class "A" highways shall be as ***follows [established in this section]:***

(1) Gross weight (mass), including load, shall not exceed 44,000 pounds (20,090.05 kilograms).

(2) Gross axle weight (mass) for a single axle shall not exceed 20,000 pounds (9071.84 kilograms) (with axles less than forty-two (42) inches (1.07 meters) apart to be considered as a single axle).

(3) Gross weight shall not exceed 34,000 pounds (15,422.13 kilograms) on two (2) axles in tandem arrangement ***that [which]*** are spaced forty-two (42) inches (1.07 meters) or more apart and ninety-six (96) inches (2.44 meters) or less apart.

(4) Tire weight (force). The weight (force) transmitted to the pavement shall not exceed the product of 700 pounds (317.51 kilograms) times the aggregate width in inches (meters) established from the manufacturer's stamped tire measurement of all tires.

(5) On Class "A" highways if a structure or bridge has a posted load limit of less than 44,000 pounds (20,090.05 kilograms), the posted limit shall not be exceeded.

(6) The maximum gross weight (mass) allowed on a vehicle with any other axle configuration shall

be established by the bridge weight formula:

$$W = 500 (LN/N-1 + 12N + 36).$$

Where W equals gross weight, L equals distance in feet between the extreme axles of the group of consecutive axles under consideration and N equals the number of axles in the group. The load on any single axle in any arrangement shall not exceed 20,000 pounds (9071.84 kilograms) and the gross weight (mass) shall not exceed 44,000 pounds (20,090.05 kilograms). Any axle **that [which]** is not included in one (1) of the combinations set forth in this subsection shall be steerable.

Section 6. Tolerance. There shall not be a tolerance allowed on gross weight (mass), however, a tolerance of not more than five (5) percent shall be allowed on axle weight (mass) on all state-maintained highways **that [which]** are not a part of the interstate system.

Section 7. (1) As long as a highway remains a part of the state-maintained system, as established in 603 KAR 3:030, the classification of that highway [~~in 603 KAR 5:301~~] shall constitute a designation by the Secretary of Transportation as contemplated by KRS 189.280.

(2) City ordinances **that [which]** impose less stringent limits than this administrative regulation shall not apply to the state-maintained highways, including bridges, unless specific relinquishment of this responsibility to a city is made by the Secretary of Transportation.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager / Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, Telephone: (502) 782-8180, Fax: (502) 564-5238, Email: Jon.Johnson@ky.gov.



Andy Beshear  
GOVERNOR

## EDUCATION AND LABOR CABINET

Office of Legal Services  
500 Mero Street, 3rd Floor  
Frankfort, Kentucky 40601  
Phone (502) 564-3070

December 6, 2024

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

Dear Co-Chairs:

After consideration of the issues raised by **787 KAR 1:360**, the Education and Labor Cabinet's Office of Unemployment Insurance proposes the attached suggested amendment to this regulation.

Sincerely,

A handwritten signature in black ink that reads "Buddy Wheatley".

Buddy Wheatley  
Deputy General Counsel  
Education and Labor Cabinet



**Subcommittee Substitute**

**EDUCATION AND LABOR CABINET  
Division of Workplace Development  
Office of Unemployment Insurance  
(As Amended at ARRS)**

**787 KAR 1:360. Overpayment waivers.**

RELATES TO: KRS 341.413, 2022 Ky. Acts ch. 199, Part 1D.7.(6)

STATUTORY AUTHORITY: KRS 341.115(1), **341.413**

NECESSITY, FUNCTION, AND CONFORMITY: KRS 341.115(1) authorizes the secretary to promulgate administrative regulations necessary or suitable for the proper administration of KRS Chapter 341. This administrative regulation establishes definitions and procedures for waiving overpayments pursuant to KRS Chapters 341, 341.413, and 2022 Ky. Acts ch. 199, Part 1D.7.(6). For unemployment insurance claims filed between January 27, 2020 and September 6, 2021~~[December 31, 2020]~~, KRS 341.413 authorizes the secretary to waive overpayments of unemployment insurance benefits if the secretary~~[, upon an alleged overpayment recipient's waiver request,]~~ finds the overpayment was made without fault on the part of the recipient and recovery would be contrary to equity and good conscience.~~[Notwithstanding KRS 341.413, 2022 Ky. Acts ch. 199, Part 1D.7.(6) authorizes the secretary to waive an overpayment of benefits for unemployment insurance claims filed between January 27, 2020 and September 6, 2021. This administrative regulation establishes definitions and procedures for waiving overpayments pursuant to KRS Chapter 341, 341.413, and 2022 Ky. Acts ch. 199, Part 1D.7.(6).]~~

Section 1. Definitions.

(1) "Benefits" ~~is~~ **[means "benefits" as]** defined by KRS 341.020(4).

(2) "Financial hardship" means:

(a) An individual or that individual's immediate family has experienced at least a fifty (50) percent reduction in gross earned income or loss of employment; or

(b) That, as a result of the recovery of the overpayment of the benefit, the individual is unable to meet daily living expenses, including expenses for food, clothing, rent, utilities, insurance, job or job search-related transportation expenses, and medical expenses.

(3) "Office" means the Office of Unemployment Insurance within the Kentucky Education and Labor Cabinet.

(4) "Office error" means:

(a) Errors in computing the benefit rate;

(b) Incorrect weekly payment due to a failure to consider a deductible amount that was properly reported by a claimant;

(c) Payment beyond the expiration of the benefit year;

(d) Payment in excess of the maximum benefit amount;

(e) Payment under an incorrect program;

(f) Retroactive notice of nonmonetary determinations, except that a determination that the claimant has committed fraud is not considered ~~["]~~office error~~["]~~;

- (g) Monetary redeterminations;
  - (h) Payment during a period of disqualification;
  - (i) Payment to a wrong claimant; or
  - (j) Erroneous payments resulting from human error in the data entry process.
- (5) "Secretary" means the Secretary of the Kentucky Education and Labor Cabinet.

Section 2.~~[Waiver Request. An individual shall make a written request for waiver of a determined overpayment within thirty (30) days of the date of the notification that the individual has been overpaid unemployment insurance benefits.~~

Section 3.~~] Waivers.[Upon receipt of an alleged overpayment recipient's request for an overpayment waiver,]~~ The secretary shall issue a waiver of the **[alleged]** overpayment if the secretary determines that:

- (1) The overpayment was made pursuant to Section **(3) [4]** of this administrative regulation without fault on the part of the recipient; and
- (2) Recovery would be contrary to equity and good conscience as established in Section **(4) [5]** of this administrative regulation.

Section 3.~~[Section 4.]~~ No-fault Determination. For purposes of Section 2~~[3]~~(1) of this administrative regulation, the secretary shall make a determination that the ~~[alleged-]~~overpayment was made without fault on the part of the recipient if the overpayment of benefits resulted from:

- (1) **Office error ["Office error" as defined by Section 1 of this administrative regulation];** or
- (2) Auto-payment of benefits.

Section 4.~~[Section 5.]~~ Equity and Good Conscience Determination. For purposes of Section 2~~[3]~~(2) of this administrative regulation, the secretary shall make a finding that a recovery of an ~~[alleged]~~ overpayment is contrary to equity and good conscience if an individual demonstrates that:

- (1) Recovery would cause financial hardship to the person from whom it is sought;
- (2) The **[alleged]** overpayment recipient can show, regardless of the individual's financial circumstances, that due to the notice that the payment would be made or because of the incorrect payment, the individual has relinquished a valuable right or changed positions for the worse. This may be shown if the recipient has made substantial necessary purchases related to daily living expenses, expended substantial necessary funds on daily living expenses, or failed to seek other benefits in reliance upon the receipt of benefits; or
- (3) Recovery could be unconscionable, unjust, or unfair under the circumstances.

CONTACT PERSON: Charles Wheatley, 500 Mero St., 3rd Floor, Frankfort, Kentucky, 502-782-0555, email Charles.Wheatley@ky.gov.



**Andy Beshear**  
GOVERNOR

**Jacqueline Coleman**  
LIEUTENANT GOVERNOR

**PUBLIC PROTECTION CABINET**  
Kentucky Department of Financial  
Institutions

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SECRETARY

**DJ Wasson**  
DEPUTY SECRETARY

**Marni Rock Gibson**  
COMMISSIONER

11/25/2024

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

Re: 808 KAR 15:050. Out-of-state trust companies operating in Kentucky

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 808 KAR 15:050, the Kentucky Department of Financial Institutions proposes the attached suggested substitute to 808 KAR 15:050.

Sincerely,

Marni Rock Gibson, Commissioner  
Kentucky Department of Financial Institutions  
500 Mero St., 2SW19  
Frankfort, KY 40601

**SUGGESTED SUBSTITUTE**

**PUBLIC PROTECTION CABINET  
Department of Financial Institutions  
Division of Depository Institutions**

**808 KAR 15:050. Out-of-state trust companies operating in Kentucky.**

RELATES TO: KRS 286.3-146

STATUTORY AUTHORITY: KRS 286.1-020(1), KRS 286.3-146(2)(a)2

NECESSITY, FUNCTION, AND CONFORMITY: KRS 286.1-020(1) authorizes the commissioner to promulgate administrative regulations to interpret and carry out the provisions and intent of KRS Chapter 286. KRS 286.3-146(2)(a)2 authorizes the commissioner to promulgate ***an administrative[a]*** regulation to prescribe the form and format of ***filings required by KRS 286.3-146(2)[out-of-state trust companies' notice of intent to conduct the activities outlined in KRS 286.3-146(1) in Kentucky]***. This administrative regulation establishes the procedure by which an out-of-state trust company ***[,without a physical location in Kentucky,]*** may ***comply with KRS 286.3-146(2)[file a written notification of their intent to conduct the activities outlined in KRS 286.3-146(1) within Kentucky]***.

Section 1. An out-of-state trust company ***shall[without a physical location in Kentucky may conduct activities authorized under KRS 286.3-146(1) in Kentucky if they]*** submit a completed "Notification by Out-of-State Trust Company of Business Activity" Form to the department at least thirty (30) days prior to ***commencing business pursuant to KRS 286.3-146(2)[engaging in activities authorized under KRS 286.3-146(1)]*** in Kentucky.

Section 2. Incorporation by Reference.

(1) Form B-1, "Notification by Out-of-State Trust Company of Business Activity", ***December[July 12,]*** 2024, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Financial Institutions, 500 Mero St 2SW19, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 5:00 p.m. This material may also be obtained from the department's Web site at ***[https://kfi.ky.gov/new\\_docs.aspx?cat=56](https://kfi.ky.gov/new_docs.aspx?cat=56)[[https://kfi.ky.gov/new\\_docs.aspx?cat=65](https://kfi.ky.gov/new_docs.aspx?cat=65)]***.

CONTACT PERSON: Kathryn Adams-Cornett, Staff Attorney, and Marni Gibson, Commissioner, Dept. of Financial Institutions, 500 Mero Street, 2SW19, Frankfort, Kentucky 40601, phone 502-782-9065, fax 502-573-8787, email [katie.adams@ky.gov](mailto:katie.adams@ky.gov), [Marni.Gibson@ky.gov](mailto:Marni.Gibson@ky.gov).

**Material Incorporated by Reference:**

Form B-1

Page 1

Title

After, "Business Activity", delete "(No Physical Location)".

First paragraph

After "business in Kentucky", delete the following:  
without establishing a physical location in the state

Item #6

After "6.", insert the following:

Pursuant to KRS 286.3-146(2), I confirm that

Delete "Is".

After "trust company", insert "is".

Page 2

Heading

After "Company Activity", delete "No Physical Location".

Item #8

After "8.", insert the following:

Pursuant to KRS 286.3-146(2)(a)2.b.,

Delete "If".

After "Company", insert "states that it".

After "this state", insert "and".

Delete ", does".

After "affirmatively", insert "provides".

Delete "provide".

After "in the state", insert the following:

. (Check box to agree) Not applicable

Delete the following:

? Yes No

*KRS 286.3-146(2)(b) If any out-of-state trust company engages in conduct in this state without making the service of process filing required under paragraph (a)2. of this subsection, the trust company shall be subject to service of process as provided in KRS 454.210.*



**PUBLIC PROTECTION CABINET**  
**Kentucky Department of Financial**  
**Institutions**

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Frankfort, KY 40601  
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DEPUTY SECRETARY

**Marni Rock Gibson**  
COMMISSIONER

### **Notification by Out-of-State Trust Company of Business Activity**

Notification of intent for out-of-state trust company to conduct business in Kentucky, pursuant to KRS 286.3-146(2).

1. Name of Company.  
Click or tap here to enter text.
2. Name under which Company will conduct business in Kentucky (if different than above).  
Click or tap here to enter text.
3. Mailing address of main office.  
Click or tap here to enter text.
4. Physical address of main office (if different than above).  
Click or tap here to enter text.
5. Summary of activities to be conducted in Kentucky (attach separate page if needed).  
Click or tap here to enter text.
6. Pursuant to KRS 286.3-146(2), I confirm that a Kentucky trust company is permitted, under Company's home state laws, to conduct substantially similar activity in Company's home state? (Select one)  Yes  No

Citation to home state's law(s) related to the permitted activities of out-of-state trust companies:

Click or tap here to enter text.

7. Company's agent for service of process in the state of Kentucky. (If none, go to item number 8.)

Name of Agent: Click or tap here to enter text.

Physical Address: Click or tap here to enter text.

Telephone Number: Click or tap here to enter text.

Email Address: Click or tap here to enter text.

I certify that Company will, at least five days prior to any change in the agent for service of process information provided in the above section, notify the commissioner of the change and update the information. (Check box to agree)

8. Pursuant to KRS 286.3-146(2)(a)2.b., Company states that it does not have an agent for service of process in this state, and Company affirmatively provides an irrevocable consent appointing the Secretary of State as the Company's agent to receive lawful process issued against Company in the state?  
Check box to agree  Not Applicable  Initial here to confirm response: [Click or tap here to enter text.](#)

9. Pursuant to KRS 286.3-146(6), I certify that Company will comply with all applicable laws of Kentucky and that Company will annually make such certification to the commissioner. (Check box to agree)

***KRS 286.3-146(6) An out-of-state trust company that conducts trust business, establishes an office, or acquires and maintains an office in this state shall confirm to the commissioner, prior to commencing business in this state, and at least annually thereafter, that for so long as it conducts trust business, or maintains a trust office or trust representative office, in this state, it will comply with all applicable laws of this state.***

**I hereby certify that I have truthfully completed the foregoing application and certify that I am authorized to act on behalf of the Company.**

Signature: [Click or tap here to enter text.](#)

Signer's Title: [Click or tap here to enter text.](#)

Signer's Email Address: [Click or tap here to enter text.](#)

Signer's Phone Number: [Click or tap here to enter text.](#)

**Submit completed notification along with a copy of the applicable Secretary of State filing to the Department at [kfi.ddi@ky.gov](mailto:kfi.ddi@ky.gov).**



Andy Beshear  
GOVERNOR

Jacqueline Coleman  
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET  
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Marni Rock Gibson  
COMMISSIONER

**Notification by Out-of-State Trust Company of Business Activity**  
***[(No Physical Location)]***

Notification of intent for out-of-state trust company to conduct business in Kentucky ~~without establishing a physical location in the state~~, pursuant to KRS 286.3-146(2).

1. Name of Company.  
Click or tap here to enter text.

---
2. Name under which Company will conduct business in Kentucky (if different than above).  
Click or tap here to enter text.

---
3. Mailing address of main office.  
Click or tap here to enter text.

---
4. Physical address of main office (if different than above).  
Click or tap here to enter text.

---
5. Summary of activities to be conducted in Kentucky (attach separate page if needed).  
Click or tap here to enter text.
6. ***Pursuant to KRS 286.3-146(2), I confirm that [Is] a Kentucky trust company is permitted, under Company's home state laws, to conduct substantially similar activity in Company's home state? (Select one)  Yes  No***

Citation to home state's law(s) related to the permitted activities of out-of-state trust companies:

Click or tap here to enter text.

---

7. Company's agent for service of process in the state of Kentucky. (If none, go to item number 8.)

Name of Agent: Click or tap here to enter text.

Physical Address: Click or tap here to enter text.



Telephone Number: [Click or tap here to enter text.](#)

Email Address: [Click or tap here to enter text.](#)

I certify that Company will, at least five days prior to any change in the agent for service of process information provided in the above section, notify the commissioner of the change and update the information. (Check box to agree)

8. Pursuant to KRS 286.3-146(2)(a)2.b., [~~If~~] Company states that it does not have an agent for service of process in this state, and[~~does~~] Company affirmatively provides[~~provide~~] an irrevocable consent appointing the Secretary of State as the Company's agent to receive lawful process issued against Company in the state?

Check box to agree  Not Applicable  [~~Yes~~  ~~No~~ ] Initial here to confirm response: [Click or tap here to enter text.](#)

~~*KRS 286.3-146(2)(b) If any out-of-state trust company engages in conduct in this state without making the service of process filing required under paragraph (a)2. of this subsection, the trust company shall be subject to service of process as provided in KRS 454.210.*~~

9. Pursuant to KRS 286.3-146(6), I certify that Company will comply with all applicable laws of Kentucky and that Company will annually make such certification to the commissioner. (Check box to agree)

~~*KRS 286.3-146(6) An out-of-state trust company that conducts trust business, establishes an office, or acquires and maintains an office in this state shall confirm to the commissioner, prior to commencing business in this state, and at least annually thereafter, that for so long as it conducts trust business, or maintains a trust office or trust representative office, in this state, it will comply with all applicable laws of this state.*~~

**I hereby certify that I have truthfully completed the foregoing application and certify that I am authorized to act on behalf of the Company.**

Signature: [Click or tap here to enter text.](#)

Signer's Title: [Click or tap here to enter text.](#)

Signer's Email Address: [Click or tap here to enter text.](#)

Signer's Phone Number: [Click or tap here to enter text.](#)

**Submit completed notification along with a copy of the applicable Secretary of State filing to the Department at [kfi.ddi@ky.gov](mailto:kfi.ddi@ky.gov).**