



Andy Beshear
Governor

KENTUCKY BOARD OF PHARMACY

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Executive Director
Christopher P. Harlow, PharmD

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

September 4, 2025

Dear Co-Chairs,

After consideration of the issues raised by 201 KAR 2:480, the Board of Pharmacy proposes the attached staff suggested substitutes for the amended after comments version of this ordinary administrative regulation. The suggested changes improve the clarity and consistency of the regulation.

Sincerely,

Christopher Harlow, Executive Director
Kentucky Board of Pharmacy

SUGGESTED SUBSTITUTE – to Amended After Comments Version

BOARDS AND COMMISSIONS

Board of Pharmacy

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

RELATES TO: KRS 315.020(5), 315.310

STATUTORY AUTHORITY: KRS 315.191(1)(a)

CERTIFICATION STATEMENT: This is to certify that the administrative regulation complies with the requirements of 2025 RS HB 6, Section 8. The Board of Pharmacy is not one of the agencies that is directed by House Bill 6, Section 8(3) to include a certification by the Governor.

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

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

(2) "Telework" means the practice or assistance in the practice of pharmacy by a pharmacist licensed in Kentucky, ~~for~~ a pharmacy technician registered in Kentucky, or a pharmacy intern certified in Kentucky~~[contractor or an employee of the pharmacy]~~ from a remote location outside of the permitted pharmacy.

(3) "Telework Functions" means:

(a) For a pharmacist, **include**~~[includes]~~:

1. Receiving, interpreting, or clarifying medical orders or prescription drug orders;
2. Order entry and order entry verification;
3. Transfer of prescription information;
4. Prospective drug utilization reviews;
5. Interpretation of clinical data;
6. Refill authorizations;
7. Performing therapeutic intervention; and
8. Patient counseling; and

(b) For a pharmacy technician are limited to tasks authorized under KRS 315.020(5).

(4) "Telework Site" means a location within the United States where a Kentucky-registered pharmacy technician assists in the practice of pharmacy, or a Kentucky-licensed pharmacist or Kentucky-certified **pharmacy[pharmacist]** intern engages in the practice of pharmacy~~[as a contractor or an employee]~~ outside of the pharmacy that is located and permitted in Kentucky.

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

~~[Section 3.] Requirements. (1) [The pharmacy and pharmacist-in-charge, or the designee appointed by the pharmacist in charge shall ensure that interns and pharmacy technicians working under electronic supervision are supervised by a Kentucky licensed pharmacist.]~~

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

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

~~(2)~~~~[(4)]~~ The pharmacy utilizing telework functions shall:

- (a) Possess a written agreement with the licensee or registrant that includes all conditions, duties, and policies governing the licensee or registrant engaged in telework activities; **and**
- (b) Maintain a continuously updated, readily retrievable, list of all licensees and registrants engaged in telework and the:

- 1. Address and phone number for each telework site;
- 2. Functions being performed by licensees or registrants engaged in telework; and
- 3. The name of the pharmacist providing supervision for each non-pharmacist registrant.

~~(3)~~~~[(5)]~~ The pharmacist-in-charge or the designee appointed by the pharmacist **in-charge**~~[in-charge]~~ of a pharmacy utilizing telework functions shall:

(a) Develop, implement, and enforce a continuous quality improvement program designed to objectively and systematically:

- 1. Monitor, evaluate, and document the quality and appropriateness of patient care;
- 2. Improve patient care;
- 3. Identify, resolve, and establish the root cause of dispensing and drug utilization review errors; and
- 4. Implement measures to prevent recurrence;

(b) Develop, implement, and enforce a procedure for identifying the pharmacist, **pharmacy** intern, and pharmacy technician responsible for telework functions; and

(c) Develop, implement, and enforce a process for a virtual inspection of each telework site where a pharmacist technician is assisting in the practice of pharmacy or a **pharmacy**~~[pharmacist]~~ intern is engaged in the practice of pharmacy.

1. The virtual inspection shall be conducted by a pharmacist at least once every twelve (12) months or more frequently **based upon the professional judgment of**~~[as determined necessary by]~~ the pharmacist.

2. The inspection shall be documented and records retained.

3. Board staff may request and participate in virtual inspections.

Section 3.~~[Section 4.]~~ Electronic Supervision Requirements. The pharmacy, pharmacist-in-charge, or the designee appointed by the pharmacist **in-charge**~~[in-charge]~~ and the supervising pharmacist from the pharmacy shall:

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

Section 4.~~[Section 5.]~~ Confidentiality. The ~~[Kentucky permitted]~~pharmacy, pharmacist-in-charge of the pharmacy, or the designee appointed by the pharmacist-~~in-charge~~**[in-charge]**, and the pharmacist, **pharmacy** intern, and pharmacy technician shall:

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

Section 5.~~[Section 6.]~~ Technology. The pharmacist-in-charge or the designee appointed by the pharmacist-~~in-charge~~**[in-charge]** shall:

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

Section 6.~~[Section 7.]~~ Security. (1) The pharmacist-in-charge or the designee appointed by the pharmacist-~~in-charge~~**[in-charge]** and each pharmacist supervising a telework site shall ensure the telework site has a designated work area that is secure and has been approved by a pharmacist ***based on compliance with this administrative regulation*** prior to utilization.

- (2) Confidentiality shall be maintained so that patient information cannot be viewed or overheard by anyone other than the pharmacist, **pharmacy** intern, or pharmacy technician.
- (3) All computer equipment used for telework shall:
 - (a) Establish and maintain a secure connection to the pharmacy and patient information;
 - (b) Utilize a program that prevents unauthorized access to the pharmacy and patient information;~~[-and]~~
 - (c) Ensure the pharmacy and patient information is not accessed if:
 1. There is not a pharmacist actively supervising the **pharmacy** intern or pharmacy technician at a telework site;
 2. There is not **a pharmacy**~~[an]~~ intern or pharmacy technician present at the electronically supervised telework site; or
 3. Any component of the electronic communication system is not functioning; ~~and~~**[or]**
 - (d) Be configured so information from any patient or pharmacy records are not duplicated, downloaded, or removed from the electronic database if an electronic database is accessed remotely.
- (4) A record shall be maintained with the date, time, and identification of the licensee or registrant accessing patient or pharmacy records at a telework site.
- (5) All records shall be stored in a secure manner that prevents access by unauthorized persons.

Section 7.~~[Section 8.]~~ Policies and Procedures. (1) The pharmacy and the pharmacist-in-charge, or the designee appointed by the pharmacist-~~in-charge~~**[in-charge]**, shall be accountable for establishing,

maintaining, and enforcing written policies and procedures for the licensees working via telework. The written policies and procedures shall be maintained at the pharmacy and shall be available to the board upon request.

(2) The written policies and procedures shall include the services and responsibilities of the licensee or registrant engaging in telework including:

- (a) Security;
- (b) Operation, testing, training, and maintenance of the electronic communication system;
- (c) Detailed description of work performed;
- (d) Pharmacist supervision and direction of pharmacy interns and pharmacy technicians;
- (e) Recordkeeping;
- (f) Patient confidentiality;
- (g) Continuous quality improvement;
- (h) Plan for discontinuing and recovering services if the electronic communication system is disrupted;
- (i) Confirmation of secure telework sites;
- (j) Documenting the identity, function, location, date, and time of the licensees engaging in telework at a telework site;
- (k) Written agreement with contracted licensees engaging in telework outlining the specific functions performed and requirement to comply with telework policies and procedures; and
- (l) Equipment.

Section 8.~~[Section 9.]~~ Records. (1) The recordkeeping requirements of this administrative regulation shall be in addition to 201 KAR 2:171.

(2) A pharmacy utilizing registrants or licensees via telework shall be able to produce a record of each pharmacist, pharmacy~~[pharmacist]~~ intern, or pharmacy technician involved in each order entry function. The record shall include the date and time when each step function was completed.

(3) Physical records shall not be stored at the telework site.

(4) Records shall not be duplicated, downloaded, or removed if accessed via telework.

(5) Records shall be stored in a manner that prevents unauthorized access.

(6) Records shall include items such as:

- (a) Patient profiles and records;
- (b) Patient contact and services provided;
- (c) Date, time, and identification of the licensee or registrant accessing patient or pharmacy records;
- (d) If processing prescriptions, date, time, and identification of the licensee or registrant and the specific activity or function of the person performing each step in the process;
- (e) Training records;
- (f) Virtual inspections;
- (g) List of employees performing telework that includes:
 - 1. Name;
 - 2. License or registration number and expiration date;
 - 3. Address of telework site; and
 - 4. Name of the ~~[Kentucky licensed]~~ pharmacist who:
 - a. Supervised the pharmacy intern or pharmacy technician;
 - b. Approved licensee to telework; and
 - c. Approved each telework site; and
- (h) Electronic communication system testing and training.

Section 9.~~[Section 10.]~~ Prohibited Practices. Final product verification and dispensing from a location outside of or other than a permitted pharmacy shall not occur in telework.

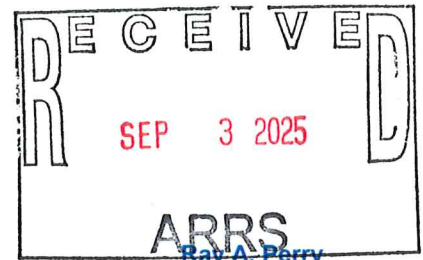


Andy Beshear
GOVERNOR

Jacqueline Coleman
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET
Kentucky Department of Professional
Licensing

500 Mero Street, 2SC32
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Kristen R. Lawson
COMMISSIONER

September 3, 2025

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

Re: 201 KAR 28:240. Occupational Therapy Licensure Compact.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 28:240, the Kentucky Board of Licensure for Occupational Therapy proposes the attached amendment to 201 KAR 28:240.

Sincerely,

Lilly Jean Coiner
Board Counsel
Kentucky Board of Licensure for
Occupational Therapy

Final, 7-29-2025
SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS
Board of Licensure for Occupational Therapy

201 KAR 28:240. Occupational Therapy Licensure Compact.

RELATES TO: KRS 319A.310

STATUTORY AUTHORITY: KRS 319A.070(1), (3), 319A.310

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.310, Section 15.B.1. requires the Board of Licensure for Occupational Therapy to review any rule adopted by the Occupational Therapy Compact Commission pursuant to Section 10 of the Compact within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Occupational Therapy Compact Commission.

Section 1. The Board of Licensure for Occupational Therapy shall comply with all rules of the Occupational Therapy Compact, which includes the Occupational Therapy Compact Rules as of **April 16, 2025**~~[March 20, 2024]~~.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Occupational Therapy Compact Rules", **April 16, 2025**~~[March 20, 2024]~~, and as revised.

(a) ~~[Chapter 1.]~~**[Rule on]** Definitions, adopted March 20, 2024;~~[- and]~~

(b) **[Rule on]**~~[Chapter 2.]~~ Data System Reporting Requirements, adopted March 20, 2024;~~[-]~~

(c) **Implementation of Federal Bureau of Investigations**~~[Rule on FBI]~~ Criminal Background **Check (FBI CBC) Requirement**~~[Checks]~~, adopted April 16, 2025;~~[-]~~

(d) **[Rule on]** Member State Implementation, adopted April 16, 2025;~~[-]~~

(e) **Occupational Therapy Compact**~~[Rule on OTC]~~ Fees (~~[-]~~Administrative **and**~~[&]~~ State), adopted April 16, 2025; ~~and[-]~~

(f) **[Rule on]** Occupational Therapy National Exam~~[- Definition]~~, adopted April 16, 2025.

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensure for Occupational Therapy, 500 Mero Street, 2 SC 32, Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(b) This material may also be obtained on the Board of Licensure for Occupational Therapy Web site at <https://bot.ky.gov/>.

(3) This material may also be obtained at:

(a) The Occupational Therapy Compact Commission, 201 Park Washington Court, Falls Church, Virginia 22046; or

(b) <https://otcompact.gov/ot-compact-commission/governance-documents/>
<https://otcompact.org/ot-compact-commission/governance-documents/>.

CONTACT PERSON: Lilly Jean Coiner, Executive Advisor, Department of Professional Licensing, Office of Legal Services, 500 Mero Street, 2 NC WK#4, phone (502) 262-5065 (office), fax (502) 564-4818, email Lilly.Coiner@ky.gov. Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

MATERIAL INCORPORATED BY REFERENCE

Note to Compiler: MIR not filed. Only technical changes were made, including changes to the Rule titles.



Andy Beshear
GOVERNOR

Jacqueline Coleman
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET

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Ray A. Perry
SECRETARY

September 8, 2025

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

Dear Co-Chairs West and Lewis:

After discussions with the staff of the Administrative Regulation Review Subcommittee regarding the issues raised by 201 KAR 31:010 (Fees), the Kentucky Board of Registration for Professional Geologists proposes the attached amendment to 201 KAR 31:010.

Sincerely,

Adrian L. Del Valle
Counsel for the Board
*Kentucky Board of Registration
for Professional Geologists*

Final, 8-7-2025

SUGGESTED SUBSTITUTE

PUBLIC PROTECTION CABINET
Kentucky Board of Registration for Professional Geologists

201 KAR 31:010. Fees.

RELATES TO: KRS 322A.050, 322A.060, 322A.070

STATUTORY AUTHORITY: KRS 322A.030(5), 322A.050, 322A.060(1), 322A.070(1), (3)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8(2). The Kentucky Board of Registration for Professional Geologists is not among the agencies listed in Section 8(3) that require additional certification by the Governor.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322A.040, 322A.050, and 322A.060 authorize the board to establish application, registration, renewal, and examination fees. KRS 322A.070(3) authorizes the board to replace registrations if needed. This administrative regulation establishes the fees charged by the board to apply for registration or certification, sit for the examination, and renew and reinstate a registration or certification.

Section 1. Application Fee.

(1) The application fee for registration as a professional geologist or certification as a geologist-in-training shall be non-refundable pursuant to KRS 322A.050 and shall be paid with the filing of the application.

(2) The application fee for registration as a professional geologist or certification as a geologist-in-training shall be set at ~~\$225/\$225.00 unless adjusted by the Board, which may, upon approval of the Board, increase the fee to an amount not to exceed \$325.00. Any such adjustment shall be based on financial necessity, administrative costs, or other relevant factors deemed appropriate by the Board~~[\$150].

Section 2. Examination Fees. An applicant for registration as a professional geologist or certification as a geologist-in-training shall be responsible for payment of the required examination fee charged by the National Association of State Boards of Geology.

Section 3. Biennial Renewal Fees and Penalties. The fees established in subsections

(1) through (5) of this section shall be paid in connection with licensure and certification renewals and late renewal penalties. (1) The biennial renewal fee for registration as a professional geologist or certification as a geologist-in-training shall be set at ~~\$250/\$250.00 unless adjusted by the Board, which may, upon approval of the Board, increase the fee to an amount not to exceed \$375.00. Any such adjustment shall be based on financial necessity, administrative costs, or other relevant factors deemed appropriate by the Board~~[\$175].

(2) The late biennial renewal fee for registration or certification in active status as a professional geologist or certification as a geologist-in-training, including penalty, for late renewal during the ninety (90) day grace period shall be set at ~~\$300/\$300.00 unless adjusted by the Board, which may, upon approval of the Board, increase the fee to an amount not to exceed \$400.00. Any such adjustment shall be based on financial necessity, administrative costs, or other relevant factors deemed appropriate by the Board~~[\$225].

(3) The reinstatement fee for registration as a professional geologist or certification as a geologist-in-training renewal after the end of the ninety (90) day grace period and before the registration or certification is revoked pursuant to KRS 322A.060(3) shall be set at ~~\$350/\$350.00, unless adjusted by the Board, which may, upon approval of the Board, increase the fee to an amount not to~~

~~exceed \$450.00. Any such adjustment in fee shall be based on financial necessity, administrative costs, or other relevant factors deemed appropriate by the Board~~[\$275].

(4) In lieu of paying the biennial renewal fee, a person may opt to renew his or her registration or certification as inactive.

(a) The biennial inactive renewal fee shall be \$100.

(b) A registration or certification may be renewed in inactive status indefinitely.

(c) The late biennial renewal fee for registration or certification in inactive status shall be \$175.

(d) The reinstatement fee for registration as a professional geologist or certification as a geologist-in-training as an inactive renewal after the end of the ninety (90) day grace period and before the registration or certification is revoked pursuant to KRS 322A.060(3) shall be \$200.

(5) To reinstate a license from inactive status, a licensee shall remit the reinstatement fee in subsection (3) of this section.

Section 4. Duplicate Registration or Certification Fees. The fee for a duplicate of the original registration or certification certificate shall be ten (10) dollars.

~~**[Section 5. Board Approval Required for Fee Adjustment. Except as otherwise provided in this chapter, any fee increase pursuant to this section shall be approved by a super-majority vote of the Board at a public meeting open to public comment and shall not exceed the maximum amount established in this section.]**~~

CONTACT PERSON: Adrian L. Del Valle, Assistant Attorney General, Kentucky Office of the Attorney General, Office of Civil and Environmental Law, 700 Capital Avenue, Suite 118, (502) 696-5363, and Adrian.Delvalle@ky.gov; see also a publicly accessible link to the Public Protection Cabinet's public comment portal accessible at https://ppc.ky.gov/reg_comment.



September 3, 2025

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 7:501

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 202 KAR 7:501, the Kentucky Board of Emergency Medical Services proposes the attached amendment to 202 KAR 7:501.

Sincerely,

A handwritten signature in black ink, appearing to read "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
(Amendment)**

202 KAR 7:501. Ambulance agency licensure.

RELATES TO: KRS 216B.020(2)(f), 311A.030, 311A.060~~[/, 311A.190]~~

STATUTORY AUTHORITY: KRS 311A.020~~(1)~~, 311A.025, 311A.030~~(1)~~~~[/, 311A.060, 311A.190]~~

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.020~~(1)~~ requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the EMS system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure~~[Emergency Medical Services]~~ or the Cabinet for Health and Family Services. KRS 311A.030~~(1)~~ 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 minimum ambulance agency licensing requirements.

Section 1. Applying for Licensure.

(1) An applicant shall submit:

(a) A completed Initial Ground~~[Ambulance]~~ Agency License Application, [accessed at kemsis.ky.gov](https://kemsis.ky.gov);

(b) An application fee as established in 202 KAR 7:030; and

~~[(c)] [A current map of the agency's intended service area; and]~~

~~[(c)]~~~~[(d)]~~ A written description of the ambulance agency's geographic service area within the Commonwealth, which shall identify with specificity the complete boundary of the area served by the provider upon applying for initial licensure or if the service area has changed since the last written description~~[map]~~ was provided to the KBEMS office. The written description~~[map]~~ shall accurately reflect the service area as identified by the provider's~~[providers]~~ Certificate of Need, if appropriate.

(2) The board shall conduct a physical inspection of an agency's premises prior to granting a license or license renewal.

(3) A license to operate shall be issued only for the person, service area, and premises, including the number of ambulances, named in the application, and shall not be transferable.

(4) An agency shall display its license in a prominent public area at the service base station and at any fixed satellite location.

(5) The following information shall be included on the license issued by the office of the board:

(a) Operating name of the provider;

(b) Physical location of the base station;

(c) The number and physical location of satellite stations, if any, operated by the licensee;

(d) The license classification;

(e) The level of service provided; and

~~[(f)] [The number of vehicles operated by the provider; and]~~

~~[(f)]~~~~[(g)]~~ The specific geographic area to be served by the licensee.

(6) A license shall expire on December 31 following the original date of issue and shall subsequently expire annually on December 31 of each year.

Section 2. License Renewal. To renew a license, the holder shall:

- (1) Submit a completed Renewal Application for Class I, II, III, and IV Agencies, accessed at kemsis.ky.gov~~[Ground Agency Renewal Application]~~;
- (2) Pass inspection conducted by the board of the agency's premises, equipment, supplies, vehicles, and records; and
- (3) Submit a fee in the amount established in 202 KAR 7:030.

Section 3. Agency Changes.

- (1) A new application shall be filed if a change of ownership occurs. A change of ownership for licenses shall be deemed to occur if more than fifty (50) percent of the assets, capital stock, or voting rights of a corporation or agency is purchased, transferred, leased, or acquired by comparable arrangement by one (1) person or entity from another.
- (2) A new license application filed due to a change of ownership shall be filed, at minimum, ten (10) days prior to the change of ownership. The new license shall be issued for the remainder of the previous licensure period.
- (3) There shall be full disclosure to the board of the changes, such as name and address, of:
 - (a) Each person having direct or indirect ownership interest of ten (10) percent or more in the agency;
 - (b) Officers and directors of the corporation, if an agency is organized as a corporation; or
 - (c) Partners, if an agency is organized as a partnership.

Section 4. Inspections.

- (1) Compliance with licensing pursuant to this administrative regulation shall be validated through on-site inspections of the agency by representatives or employees of the KBEMS Office. The inspection shall include a:
 - (a) Safety and maintenance check of all vehicles in operation;
 - (b) Review of all equipment and supplies stocked on vehicles; and
 - (c) 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 service during hours that the agency operates.
- (3) A regulatory violation identified during an inspection shall be transmitted in writing to the agency by the KBEMS office.
- (4) Within ten (10) business days of receipt of the statement of violation, the agency shall submit a written plan for the elimination or correction of a regulatory violation to the KBEMS office.
- (5) The plan shall specify the date by which the violations shall be corrected.
- (6) Within ten (10) business days following receipt of the plan, the KBEMS office shall notify the agency in writing whether or not the plan is accepted as providing for the elimination or correction of the violation.
- (7) The KBEMS office may conduct a follow-up visit to verify compliance with the plan.
- (8) If a portion or all of the plan is unacceptable:
 - (a) The KBEMS office shall specify why the plan cannot be accepted; 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 may be conducted for a:
 - (a) Complaint allegation;
 - (b) Follow-up visit;~~[-or]~~
 - (c) Relicensing inspection; or

(d) Random compliance audit.

Section 5. Unethical Conduct.

(1) The following acts shall be considered unethical conduct in the practice of providing emergency medical services and may be subject to the sanctions established in KRS 311A.060:

(a) Failure to submit, amend, or modify a plan of correction in order to eliminate or correct regulatory violations;

(b) Failure to eliminate or correct regulatory violations;

(c) Falsifying an application for licensing;

(d) Changing a license issued by the board;

(e) Attempting to obtain or obtaining a license by:

1. Fraud;

2. Forgery;

3. Deception;

4. Misrepresentation; or

5. 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) Failure to comply with local ordinances, federal statutes, KRS Chapter 311A, or 202 KAR Chapter 7.

(2) Unless the agency receives prior approval from the board, an~~[An]~~ agency whose license is currently under disciplinary review shall not be eligible to sell the license to another entity until all fines or fees owed to the board are satisfied and any associated legal action has been fully resolved.

(3) A licensed agency shall not be disciplined for responding to calls outside of its geographic service area if the agency is providing:

(a) Mutual aid at the request of and under an existing agreement with another licensed agency whose geographic service area includes the area in which the emergency or non-emergency call originates;

(b) Disaster assistance;

(c) Interfacility medical transfer from damaged or closed health facilities;~~[-or]~~

(d) Interfacility medical transfer to residents of its service area, who are patients in facilities outside of its service area, for the purpose of returning the patients to their home service area or transporting them to another health facility;~~[-]~~

(e) A response authorized by 202 KAR 7:555; or

(f) Scheduled and non-scheduled medically necessary ambulance transportation within another service area ~~if~~~~[where]~~ the licensed agency or agencies within the service area have denied response.

Section 6. Exemptions from Administrative Regulations.

(1) The following situations shall be exempt from the provisions of this administrative regulation:

(a) First aid or transportation provided in accordance with KRS 216B.020(2)(f);

(b) A vehicle serving as an ambulance during a disaster or major catastrophe; or

(c) A vehicle operated by the U.S. government on property owned by the U.S. government.

(2) Out-of-state agencies licensed by and in good standing with another state shall be exempt from the provisions of this administrative regulation unless the agency:

(a) Transports a patient from a Kentucky location to another Kentucky location; or

(b) Transports a Kentucky resident from Kentucky to another state more than six (6) times during a calendar year.

(3) In addition to the exemption **established**~~[set forth]~~ in subsection (2) of this section, out-of-state agencies licensed by and in good standing with a state contiguous to Kentucky shall be exempt from the provisions of this administrative regulation when the agency is responding

~~[(2)] [The following out-of-state agencies shall be exempt from the provisions of this administrative regulation:]~~

~~[(a)] [A vehicle licensed by another state that is transporting a patient from out of state to a Kentucky medical facility or other location in Kentucky;]~~

~~[(b)] [A vehicle licensed by another state that is transporting a patient from out of state through Kentucky to another location out-of-state;]~~

~~[(c)] [A vehicle licensed in an adjoining state that responds] to a mutual aid request from a Kentucky licensed provider for emergency assistance if the out-of-state agency~~[out of state service]~~ is the closest service appropriately capable of responding to the request or if Kentucky licensed providers:~~

~~(a)~~[1-]~~ Are unavailable;~~

~~(b)~~[2-]~~ Have already responded; or~~

~~(c)~~[3-]~~ Are physically unable to reach the incident.~~[-and]~~~~

~~[(d)] [A vehicle licensed by another state that is providing nonemergency transportation from a Kentucky health care facility for a patient who is not a Kentucky resident back to their state of residence.]~~

Section 7. Public Notice of Negative Action. The board office shall publish, on the KBEMS website~~[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.

Section 8. Incorporation by Reference.

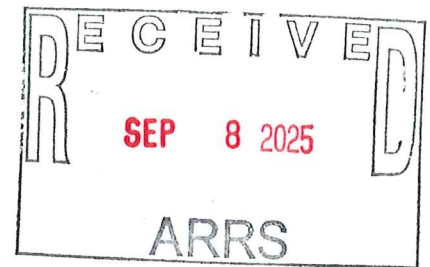
(1) The following material is incorporated by reference:

(a) "Initial Ground Agency License Application", (5/2025)~~["Ambulance Agency License Application", (12/2017)]~~; and

(b) "Renewal Application for Class I, II, III, and IV Agencies", (5/2025)~~["Ground Agency Renewal Application", (12/2017)]~~.

(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~~[118 James Court, Suite 50, Lexington, Kentucky 40505]~~, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's website at: kbems.ky.gov



September 3, 2025

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 7:545

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 202 KAR 7:545, the Kentucky Board of Emergency Medical Services proposes the attached amendment to 202 KAR 7:545.

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
(Amendment)

202 KAR 7:545. License classifications.

RELATES TO: KRS ~~216B.020, 311A.010~~, 311A.030, 311A.190~~[-216B.020]~~

STATUTORY AUTHORITY: KRS 311A.020~~(1)~~, 311A.025, 311A.030~~(1)~~, 311A.190

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.020~~(1)~~ requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the emergency medical services system~~[ambulance services and medical first response agencies,]~~ except those functions regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030~~(1)~~ requires the board to promulgate administrative regulations establishing the license classifications of ambulance services, mobile integrated healthcare programs, and medical first response providers~~[to establish requirements for various classes of ambulance and emergency medical service agencies.]~~ This administrative regulation establishes the classes of ambulance services, mobile integrated healthcare programs, and medical first response providers~~[requirements for each class of ambulance service and medical first response agencies.]~~

Section 1. Definitions.

(1)~~(a)~~ "911 scene response" means a response:

~~1. [(a)]~~ Resulting from a 911 call or other call to a dispatch center or public safety answering point for assistance;

~~2. [(b)]~~ Where an ambulance provider is dispatched to, responds to, provides an assessment to, provides care to, or transports a person reporting a medical condition or injury; and

~~3. [(c)]~~ Where transportation of the patient will terminate in an emergency room or other location for immediate assessment or treatment.

~~(b) [(d)]~~ "911 scene response" shall not include ~~a~~ response to a call ~~in which~~~~[where]~~ a patient is receiving care at a hospital.

(2) "Agency" means an individual or private or public organization, except the United States government, seeking or holding a license from the board to provide emergency medical services ~~pursuant to~~~~[under]~~ KRS Chapter 311A and 202 KAR Chapter 7.

(3) "ALS first response" means 911 scene response to provide ALS emergency care or treatment to an ill or injured person by emergency medical services personnel.

(4) "BLS first response" means 911 scene response to provide BLS emergency care or treatment to an ill or injured person by emergency medical services personnel.

(5) "Medical first response" means 911 scene response to provide ALS or BLS emergency care or treatment to an ill or injured person by emergency medical services personnel before the arrival of an ambulance.

(6) "Mobile integrated healthcare" or "MIH" is defined by KRS 311A.010(18).

(7) "Nonemergency" means any scheduled, non-scheduled, or interfacility medically necessary ambulance transportation that is not a 911 scene response.

Section 2. License Classifications.

(1) Beginning on January 1, 2026, license~~[In accordance with KRS 311A.030(1), license]~~ classifications for ambulance providers, mobile integrated healthcare programs, and medical first response agencies shall include:

(a) ~~[A-]Class I ground ambulance providers, which shall be classified as:[agency operating at the Advanced Life Support (ALS), Basic Life Support (BLS), or Adult Critical Care Transport level to provide emergency and nonemergency care and transportation.]~~

1. Class Ia – (911 Services) – A ground ambulance provider operating at the ALS or BLS level, or both, ~~that[and which]~~ shall provide 911 scene response and may provide emergency, nonemergency, or interfacility care and transportation; or

2. Class Ib – (CON-Exempt City and County Services) – A ground ambulance provider operating pursuant to KRS 216B.020(8) at the ALS or BLS level, or both;[:]

(b) ~~[A-]Class II ground ambulance providers, which shall be classified as:[agency operating at the BLS level only to provide nonemergency care and transportation.]~~

1. Class IIa – (Non-911 Services) – A ground ambulance provider operating at the ALS or BLS level, or both, to provide interfacility care and nonemergency care and transportation; or

2. Class IIb – (CON-Exempt Hospital Services) – A ground ambulance provider operating pursuant to KRS 216B.020(7) at the ALS or BLS level, or both;[:]

(c) ~~[A-]Class III ground ambulance providers, which, based on the provider's Certificate of Need and scope of care policy, shall be classified as one (1) or more of the following:[agency operating at the ALS level to provide critical care, specialty care, emergency or nonemergency care, and transportation between health care facilities. Based on the Certificate of Need and scope of care policy, a Class III ground ambulance agency shall be designated as one (1) or more of the following types:]~~

1. Class IIIa – (Adult Critical Care Services) – A ground ambulance provider operating at the ALS level as an adult critical care agency providing critical care interfacility transport services to patients ages twelve (12) and above;

2. Class IIIb – (Pediatric Specialty Care Services) – A ground ambulance provider operating at the ALS level as a pediatric specialty care agency providing critical care interfacility and specialty care transport services to patients under the age of twenty-one (21); or

3. Class IIIc – (Neonatal Specialty Care Services) – A ground ambulance provider operating at the ALS level as a neonatal specialty care agency providing critical care interfacility and specialty care transport services to patients less than twenty-nine (29) days of age;[:]

~~[1-] [A Class III Adult Critical Care agency providing critical care transport services to patients ages twelve (12) and above;]~~

~~[2-] [A Class III Pediatric Specialty Care agency providing specialty care transport services to patients under the age of twenty-one (21); or]~~

~~[3-] [A Class III Neonatal Specialty Care agency providing specialty care transport services to patients less than twenty-nine (29) days of age.]~~

(d) ~~[A-]Class IV – (Restricted Location Services) – A ground ambulance provider[agency] operating at the ALS or BLS level to provide emergency and nonemergency care with or without[and] transportation for restricted locations, such as industrial sites or other sites that do not provide services outside the designated geographic service area;[:]~~

(e) Class V – (Mobile Integrated Health Care Programs) – A mobile integrated health care program operating at the ALS and BLS level;[:]

(f)[(e)] [A] Class VI – (Medical First Response Agencies) – An agency providing medical first response without patient transport at the ALS or BLS[BLS or ALS] level;[:]

1. Each ALS first response agency shall be licensed separately as a Class VI ALS agency.
2. Each BLS first response~~[First Response]~~ agency shall be licensed separately as a Class VI BLS agency unless a memorandum of understanding~~[mutual aid agreement]~~ is executed with a licensed Class I ~~[ambulance]~~ agency that provides ~~[911 response]~~ services for the geographic service area.
- 3.~~[2.]~~ A licensed Class I agency~~[nonlicensed BLS First Response Agency]~~ may execute a memorandum of understanding~~[mutual aid agreement]~~ with multiple nonlicensed BLS first response agencies~~[First Response Agencies]~~ that serve the same geographic service area.
- 4.~~[3.]~~ A memorandum of understanding~~[mutual aid agreement]~~ shall automatically renew at the conclusion of a calendar year.
- 5.~~[4.]~~ A nonlicensed BLS first response agency~~[First Response Agency]~~ or a Class I ~~[ALS]~~ agency may terminate a memorandum of understanding~~[mutual aid agreement]~~ thirty (30) days after written notice is provided to the other party.
- 6.~~[5.]~~ A memorandum of understanding~~[mutual aid agreement]~~ between a Class I ~~[ALS]~~ agency and a nonlicensed BLS first response~~[First Response]~~ agency serving the same geographic area shall be updated as changes to the agreement occur and shall include provisions for:
 - a. Medical direction;
 - b. BLS protocols consistent with the current scope of practice;
 - c. Response protocol;
 - d. Geographic service areas to be served;
 - e. Circumstances causing dispatch of the nonlicensed BLS first response agency;
 - f. Training;
 - g. Quality assurance processes; and
 - h. Liability insurance,~~[insurance]~~ if applicable.
- 7.~~[6.]~~ A nonlicensed BLS first response~~[First Response]~~ agency shall not provide BLS care outside of ~~its~~~~[the]~~ geographic service area unless responding through an executed mutual aid agreement.~~[of the Class I ALS agency.]~~
- 8.~~[7.]~~ A nonlicensed BLS first response~~[First Response]~~ agency unable to secure a written memorandum of understanding~~[mutual aid agreement]~~ with a Class I ~~[ALS]~~ agency within its geographic service area~~;~~ may operate within the jurisdiction as a nonlicensed BLS first response~~[First Response]~~ agency if:
 - a. ~~The~~~~[the]~~ agency has written correspondence from at least one (1) Class I ~~[911]~~ agency within its geographic service area denying the nonlicensed BLS first response agency's request to enter into a memorandum of understanding~~[mutual aid agreement]~~; and
 - b. The agency maintains:~~[-]~~
 - (i) The correspondence denying the memorandum of understanding request on file at the agency;~~[mutual aid request shall be maintained on file at the agency.]~~
 - (ii) Board-approved medical direction;
 - (iii) Board-approved BLS first response agency protocols; and
 - (iv) Written policies addressing each of the issues listed in **subsection (1)(f)6.c. through h.**~~**subsections (1)(f)(6)(c) through (h)**~~ of this section.
- 9.~~[8.]~~ A license to provide BLS care shall not be issued solely through the execution of a memorandum of understanding~~[mutual aid agreement]~~ between a Class I agency and a nonlicensed BLS first response~~[First Response]~~ agency;
- (g)~~[(f)]~~ [A] Class VII – (Air Ambulance Services) – A rotor or fixed wing air ambulance service providing ALS and BLS 911 scene response or emergency, interfacility, or nonemergency care and air transportation;

~~[(g)] [A fixed wing class VII service provides ALS or BLS emergency or nonemergency air transportation; and]~~

~~(h) [A–]Class VIII – (Event Medicine Providers) – An agency utilizing emergency medical services personnel to provide ALS or BLS care[providing BLS or ALS pre-hospital care above the first-aid level] at special events, sports events, concerts, or other large social gatherings;[–]~~

~~1. A Class VIII agency shall be licensed separately as a Class VIII ALS or BLS agency.[A Class VIII agency shall not transport patients beyond the grounds of an event and shall be bound by the geographic service area of its Certificate of Need.]~~

~~2. A Class VIII agency shall not transport patients independently to a hospital.~~

~~3. If transport of a patient is required, a Class VIII agency shall contact 911 for transport by a Class I agency licensed for the geographic service area.~~

~~4. Upon request, a Class VIII agency shall make available to any Class I agency within its geographic service area its protocols, treatment capabilities, and updated contact information;[–]~~

~~(i) Class IX – (State Special Response Agencies) – An agency providing emergency and nonemergency care as part of a state-sponsored specialty team, such as Kentucky Urban Search and Rescue or other state special response agency, [and–]that provides services and conducts trainings throughout the Commonwealth.~~

~~1. A Class IX agency shall be licensed separately as a Class IX ALS or BLS agency.~~

~~2. A Class IX agency shall not transport patients independently to a hospital.~~

~~3. If transport of a patient is required, a Class IX agency shall contact 911 for transport by a Class I agency licensed for the geographic service area; and[–]~~

~~(j) Class X – (Nonemergency Out-of-State Reciprocity License) – An out-of-state agency providing nonemergency response [and–]that is licensed by and in good standing with another state **EMS regulatory body** and holds a Certificate of Need to operate a Class III agency in Kentucky.~~

~~1. An out-of-state agency shall be eligible for a reciprocal Kentucky license if the agency:~~

~~a. Provides only nonemergency response;~~

~~b. Is licensed by and in good standing with another state EMS regulatory body; and~~

~~c. Holds a Certificate of Need to operate a Class III agency in Kentucky.~~

~~2. An out-of-state agency may apply for a Class X license by submitting a valid agency license from another state to the KBEMS office.~~

~~3. A Class X agency shall be exempt from all administrative regulations promulgated by the board except 202 KAR 7:030, 202 KAR 7:501, and 202 KAR 7:540.~~

~~4. A Class X agency shall satisfy all requirements for maintaining its license issued by another state EMS regulatory body[–, **including but not limited to all staffing, equipment, medical director, and inspection requirements of the state of original licensure**].~~

~~5. A Class X license shall not require an initial or annual inspection by the KBEMS office, but a Class X agency shall be subject to random inspections by the KBEMS office.~~

~~6. If a Class X agency fails to maintain its license issued by another state EMS regulatory body, the agency shall be deemed to have surrendered its Class X license.~~

~~7. If a Class X agency's license issued by another state EMS regulatory body is revoked, suspended, lapses, or placed on probationary status, the agency shall notify the KBEMS office within five (5) days of such action.~~

~~(2) The KBEMS office shall license agencies in accordance with subsection (1) of this section.~~

~~(3) [An agency shall apply for license from the board within ninety (90) days of issuance of a Certificate of Need from the Cabinet for Health and Family Services.]~~

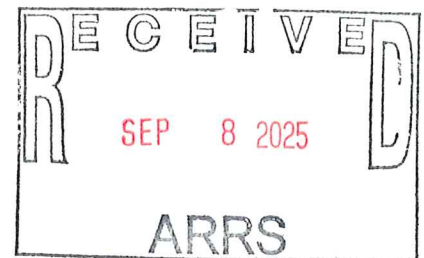
~~[(4)] [An agency that does not apply for a license within ninety (90) days of the issuance of its Certification of Need shall not be granted a license by the board.]~~

~~[(5)] [An agency shall request a final inspection for licensure from the board, in writing, within 180 days after applying for a license from the board.]~~

~~[(6)] [An agency that does not request a final inspection for licensure from the board, in writing, within 180 days after applying for a license from the board shall not be granted a license by the board.]~~

~~[(7)] An agency shall not hold more than one (1) license per level of classification in one (1) defined geographic service area unless each license was obtained prior to January 1, 2018.~~

Section 3.~~[Section 2.]~~ Public Notice of Negative Action. The board office shall publish on the KBEMS ~~website~~~~Web site~~ or similar publication of the board, the name of any licensed agency that is fined, placed on probationary status, placed on restricted status, suspended, or had a license revoked.



September 3, 2025

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 7:565

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 202 KAR 7:565, the Kentucky Board of Emergency Medical Services proposes the attached amendment to 202 KAR 7:565.

Sincerely,

A handwritten signature in black ink, appearing to read "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
(Amendment)**

202 KAR 7:565. Clinical pilot programs.

RELATES TO: KRS ~~[216B.020(2)(f), 311A.030,]~~ 311A.060, 311A.180, 311A.190

STATUTORY AUTHORITY: KRS 311A.020~~(1), [311A.025, 311A.030,]~~ 311A.035~~[, 311A.165, 311A.170, 311A.175, 311A.190]~~

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.020~~(1)~~ requires the board to exercise all administrative functions in the regulation of the EMS system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or Cabinet for Health and Family Services. KRS 311A.035 authorizes the board to develop, monitor, and encourage other projects and programs that may be of benefit to emergency medical services in the Commonwealth. This administrative regulation establishes the process for agencies to submit clinical pilot programs and the standards for approval by the board.

Section 1.

(1) A clinical pilot program shall allow for the use of assessment techniques or clinical procedures beyond the regular scope of practice of emergency medical responders established in 202 KAR 7:701.

(2)

(a) A licensed agency seeking authorization for a clinical pilot program shall submit a Clinical Pilot Program Application~~[written proposal]~~ that includes a:

1. Letter of intent;
2. Description of the type of pilot project;
3. General project description;
4. Patient Interaction Plan;
5. Staffing Plan;
6. Training and Education Plan;
7. Medical Direction and Quality of Improvement Plan;
8. Data Collection and Quantitative Reporting;
9. Written confirmation of research approval from an Institutional Review Board (IRB) within the Commonwealth~~[Completed "Request for Expedited or Full Review" form located on pages 42 through 45 of the "Kentucky Community and Technical College System Human Subjects Review Board Handbook for Investigators: For the Protection of Human Subjects in Research," (6/2015)], if applicable; and~~
10. Nonrefundable application fee of \$500.

(b) The applicant agency's administrator and medical director shall appear before the Medical Oversight Committee and subsequent meeting of the board to present the applicant agency's proposed pilot program for review or additional information.

(c) The Medical Oversight Committee shall review the applicant's proposal and assess on its individual merits if the project or program to be developed or implemented by the applicant is likely to benefit

patients and providers of emergency medical services. The Medical Oversight Committee shall present its recommendation of approval or denial to the board at the next regularly scheduled board meeting.

(d) Upon approval of a clinical pilot program, the board shall develop quarterly report deadlines and data points for quarterly review by the Medical Oversight Committee.

1. The data points shall relate to the specific methods and goals identified in the applicant's proposal.

2. The reporting deadlines and data points shall be incorporated into a Memorandum of Understanding between the board and the applicant.

(3) An individual certified or licensed by the board who successfully completes an approved educational pilot program in accordance with 202 KAR 7:601 shall perform the procedures relevant to the training and education received in the pilot program subject to protocols established by the medical director and approved by the board in accordance with KRS 311A.180.

(4) The board may limit:

(a) The geographic area or service location where the procedure is performed; and

(b) The performance of the procedure subject to a:

1. Specific and defined event;

2. Disaster; or

3. Designated directive.

(5) The board shall authorize the use of physicians or other medical professionals to supervise and monitor the training and education of providers involved in a pilot program.

(6) The board may restrict actions that involve the performance of an invasive procedure or the administration of medication subject to:

(a) Physician or medical director oversight; or

(b) The use of protocols that have been submitted to the board for review and approved by the state medical advisor and the board in accordance with KRS 311A.180.

(7) The office of the board shall retract the approval of any Clinical Pilot Program immediately if:

(a) The agency is in violation of any provisions approved by the board, including data submission requirements; or

(b) There is evidence the assessment technique or procedure has caused physical or psychological harm to a patient.

(8) Violation of any provision of a Clinical Pilot Program shall be grounds for discipline in accordance with KRS Chapter 311A.060.

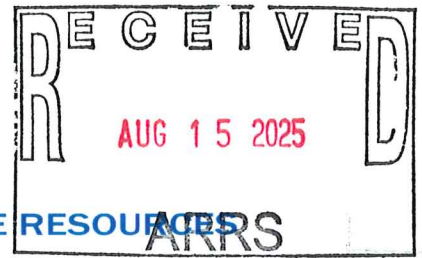
Section 2. Public Notice of Negative Action. The board office shall publish on the KBEMS web site or similar publication of the board the name of any licensed agency that is fined, placed on probationary status, placed on restricted status, suspended, or had a license revoked.

Section 3. Incorporation by Reference.

(1) "Clinical Pilot Program Application", (5/2025), is incorporated by reference.~~["Kentucky Community and Technical College System Human Subjects Review Board Handbook for Investigators: For the Protection of Human Subjects in Research", (6/2015), is incorporated by reference.]~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor, 5SE32, Frankfort, Kentucky 40601~~[118 James Court, Suite 50, Lexington, Kentucky 40505]~~, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board website at: kbems.ky.gov.



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

Rich Storm
Commissioner

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

Gabe Jenkins
Deputy Commissioner

August 15, 2025

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 3:140., Take of wildlife with aircraft prohibited.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 3:140. Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 3:140.

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

Subcommittee Substitute

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS)**

301 KAR 3:140. Take of wildlife with aircraft prohibited.

RELATES TO: KRS 150.010, 150.025, 16 U.S. C.F.R. 742

STATUTORY AUTHORITY: KRS 150.010(46), **[KRS]** 150.025(1), **[KRS]** 150.360

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.010(46) authorizes the Kentucky Department of Fish and Wildlife Resources to define methods of take. KRS 150.025(1) authorizes the 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 these requirements apply to a limited area. KRS 150.360(1) authorizes the department to restrict methods of taking wildlife. This administrative regulation establishes the use of aircraft for the take of wildlife and is within the frameworks established by 16 U.S. C.F.R. 742.

Section 1. Unlawful Use of Aircraft or Unmanned Aircraft.

(1) **A person [It]** shall **not [be unlawful at any time for any person to]** use an aircraft or unmanned aircraft system:

(a) To fish, hunt, or take wildlife or to drive or herd any wildlife for the purpose of fishing, hunting, or taking; or

(b) To harass any wildlife.

(2) **[Except]** Aircraft or unmanned aircraft systems may be used by:

(a) Department employees and contractors or agents acting on behalf of the Department when addressing human safety, law enforcement, research, management, or other needs approved by the department;

(b) Authorized landowners or their agents to engage in lawful wildlife damage control activities; and

(c) Commercial fishers for use in locating or removing invasive carp.

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



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

Rich Storm
Commissioner

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

Gabe Jenkins
Deputy Commissioner

August 20, 2025

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 3:160., Fishing and Hunting Reciprocal Agreements.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 3:160. Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 3:160.

Sincerely,

A handwritten signature in black ink that reads "Jenny Gilbert". The signature is fluid and cursive.

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

Staff-suggested Amendment

Final Version 8/19/2025

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

301 KAR 3:160. Reciprocal agreements regarding fishing and hunting.

Page 1

STATUTORY AUTHORITY paragraph

Line 6

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

Delete "(h)".

Page 1

NECESSITY, FUNCTION, AND CONFORMITY paragraph

Line 14

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

Delete "(h)".

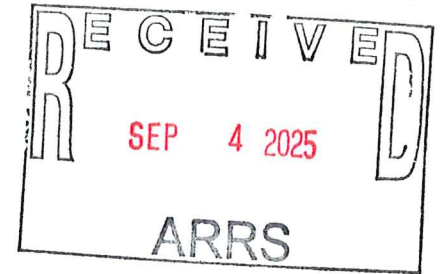
Andy Beshear
Governor



Jamie Link
Secretary, Education and
Labor Cabinet

Dr. Robbie Fletcher
Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION
300 Sower Boulevard • Frankfort, Kentucky 40601
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September 3, 2025

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

Re: 702 KAR 7:065. Designation of agent to manage middle and high school interscholastic athletics

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 702 KAR 7:065, the Kentucky Board of Education proposes the attached amendment to 702 KAR 7:065.

Sincerely,

Todd G. Allen
Deputy Commissioner and General Counsel

attachment

Subcommittee Substitute

EDUCATION AND LABOR CABINET

Kentucky Board of Education

Department of Education

(As Amended at ARRS)

702 KAR 7:065. Designation of agent to manage middle and high school interscholastic athletics.

RELATES TO: KRS 61.805 - 61.850, 156.070(2), 158.162, 160.380, 160.445, 20 U.S.C. 1681

STATUTORY AUTHORITY: KRS 156.070(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools, including interscholastic athletics in the schools. KRS 156.070(2) authorizes the board to designate an agency to manage athletics. This administrative regulation designates an agent for middle and high school athletics; establishes the financial planning and review processes for the agent; and incorporates by reference the bylaws, procedures, and rules of the agent.

Section 1. Definitions.

- (1) "Contact Drill" means that drills are run at Level 3, Level 4, or Level 5.
- (2) "KBE" means Kentucky Board of Education.
- (3) "KHSAA" means Kentucky High School Athletics Association.
- (4) "Level 0" or "air" means that players run a drill unopposed without contact.
- (5) "Level 1" or "bags" means that a drill is run with a bag or against another soft contact surface.
- (6) "Level 2" or "control" means that:
 - (a) A drill is run at an assigned speed until the moment of contact;
 - (b) One (1) player is predetermined the winner by the coach;
 - (c) Contact remains above the waist; and
 - (d) Players stay on their feet.
- (7) "Level 3" or "Control to Ground" means that:
 - (a) A drill is run at an assigned non-competitive speed or with players pre-engaged;
 - (b) There is a pre-determined winner; and
 - (c) Players are allowed to take their opponent to the ground in a controlled manner.
- (8) "Level 4" or "thud" means that:
 - (a) A drill is run at a competitive speed through the moment of contact;
 - (b) There is no predetermined winner;
 - (c) Contact is above the waist;
 - (d) Players stay on their feet; and
 - (e) A quick whistle ends the drill.
- (9) "Level 5" or "live" means that a drill is run at a competitive speed in game-like conditions.
- (10) "Non-Contact Drill" means that drills are run at Level 0, Level 1, or Level 2.
- (11) "OCR" means the United States Department of Education, Office for Civil Rights.

Section 2. The KHSAA shall be the Kentucky Board of Education's agent to manage interscholastic athletics at the middle and high school level in the common schools and private schools desiring to associate with KHSAA or to compete with a common school.

Section 3. To remain eligible to maintain the designation as the agent to manage interscholastic high school athletics, the KHSAA shall:

(1) Accept four (4) at-large members appointed by the Kentucky Board of Education to its high school Board of Control;

(2) Sponsor an annual meeting of its member high schools;

(3) Provide for each member high school to have a vote on the KHSAA Constitution and bylaw changes submitted for consideration;

(4) Provide for high school regional postseason tournament net revenues to be distributed to the member high schools in that region participating in that sport, utilizing a share approach determined by the high schools within that region playing that sport;

(5) Provide for students desiring to participate at the high school level (regardless of the level of play) to be enrolled in at least grade 7 [~~seven (7)~~];

(6) Require its governing body to annually establish goals and objectives for its commissioner and perform a self-assessment and submit the results annually to the KBE by December 31;

(7) Advise the Department of Education of all legal action brought against the KHSAA;

(8) Permit a board of control member to serve a maximum of two (2) consecutive four (4) year terms with no region represented for more than eight (8) consecutive years;

(9) Employ a commissioner and evaluate that person's performance annually by October 31, and establish all staff positions upon recommendation of the commissioner;

(10) Permit the commissioner to employ other personnel necessary to perform the staff responsibilities;

(11) Permit the Board of Control to assess fines on a member high school;

(12) Utilize a trained independent hearing officer instead of an eligibility committee for a high school athletic eligibility appeal;

(13) Establish a philosophical statement of principles to use as a guide in a high school eligibility case;

(14) Conduct continual cycles of field audits of the association's entire high school membership, which provides that each high school is audited regarding each school's compliance with 20 U.S.C. Section 1681 (Title IX) and submit annual summary reports, including the highlighting of any potential deficiencies in OCR compliance to the Kentucky Board of Education;

(15) As a condition precedent to high school membership, require each member high school and superintendent to annually submit a written certification of compliance with 20 U.S.C. Section 1681 (Title IX);

(16) Conduct all meetings related to high school athletics in accordance with KRS 61.805 through 61.850;

(17) Provide written reports of any investigations into possible violations of statute, administrative regulation, KHSAA Constitution, KHSAA Bylaws, or other rules governing the conduct of high school interscholastic athletics conducted by KHSAA or their designees to the superintendent and principal of the involved school district and school before being made public;

(18) Not punish or sanction, in any manner, a school, student, coach, or administrator for allowing a student to play in an athletic contest or practice with the team during a time when an order of a court of competent jurisdiction permits the student to participate or otherwise stays or enjoins enforcement of a KHSAA final decision on eligibility;

(19) Require any student enrolled initially in grade 7-12 ~~[seven (7) through twelve (12)]~~ who is repeating a grade for any reason, to be ineligible, during the school year that the grade is repeated, to compete in an interscholastic athletics competition at any level; and

(20) Produce a public report or reports of member schools' compliance with submitting the required member school application and the required training aspects of KRS 158.162 and KRS 160.445 regarding emergency and cardiac action plans related to interscholastic athletics.

Section 4. To remain eligible to maintain the designation as the agent to manage interscholastic athletics at the middle school level, the KHSAA shall implement the following requirements for all participants in middle school interscholastic athletics, distribute these requirements to all middle schools, and publish on[via] the KHSAA Web site:

(1) Require that these provisions apply to all middle school interscholastic athletics. The following indicates that a team is representative of a school and classified as middle school athletics:

(a) The contest, event, or tournament is sponsored by a school or combined group of schools;

(b) Competitors wear a school-issued uniform;

(c) The contest, event, or tournament is sponsored by an outside entity as a school entry event, which is advertised or promoted as a school event, whether or not an entry fee is required;

(d) A school entity pays an entry fee, for the student or team, including payment by booster organizations;

(e) A school representative accompanies the student-athlete or transports the student-athlete to the contest, event, or tournament;

(f) A designated or hired member of a school coaching staff, whether paid or unpaid, is present and offering instruction, advice, evaluation, or refinement of skills or exercising other duties defined as coaching within the sport rules;

(g) Transportation to or from the contest, event, or tournament utilizes school provided or approved transportation;

(h) Competitors in the contest, event, or tournament wear apparel identifying them by the name of the school, including the formal name, informal name, or team nickname;

(i) Competitors in the contest, event, or tournament are provided promotional or other resources by the school including school media recognition, signage, and items indicative of school representation;

(j) Competition in a contest, event, or tournament has, in any form, jurisdiction of the local school board or school-based decision-making body, including financial or other approval control; or

(k) Competition in a contest, event, or tournament is covered by any school or school system provided or procured insurance policy;

(2) Require that any head or assistant coach, whether paid or unpaid, desiring to coach interscholastic athletics at the middle school level:

(a) Meet the requirements of KRS 156.070(2)(h)2.;

(b) Meet the requirements of KRS 160.380(5) and (6); and

(c) Provide to the school documentation of successful completion of a C.P.R. course including the use of an automatic external defibrillator and the first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, the American Heart Association, or other bona fide accrediting agency that is approved by the KHSAA based upon industry standards. The certification shall be updated as required by the approving agency;

(3) Require adherence to the following items regarding safety, sports medicine, and risk minimization for all interscholastic athletics at the middle school level:

(a) Each student, before trying for a place on a middle school athletic team, shall provide an annual medical examination, in accordance with KRS 156.070(2)(e), and shall use the KHSAA form MS-01[PPE01, with PPE02 being optional for the health care provider];

(b) All participants at the middle school level shall adhere to all sports medicine and risk minimization policies in use at the high school level that may be supplemented by the school, school district, conference, or association including:

1. Heat index and heat illness programs;

2. Wrestling weight management programs;

3. Concussion and other head injury policies including policies for minimizing impact exposure and concussion risks;

4. The following football equipment drill work and practice activity limitations:

a. Football contact and non-contact practice shall use the appropriate clothing and equipment for the level of drill, including:

(i) A drill conducted in helmets-only shall be a Level 0, or Level 1;

(ii) A drill conducted in shells (shorts, shoulder pads, and helmets) shall be a non-contact drill; and

(iii) A contact drill shall be conducted in full equipment;

b. Middle school football shall practice a minimum of eleven (11) days before engaging another group or opponent in full contact, using the following minimum schedule:

(i) Five (5) days in helmets;

(ii) Followed by three (3) days in helmets and shoulder pads; and

(iii) Concluding with three (3) days in full equipment practice; and

c. Contact drills shall not be conducted more than twenty-one (21) days before the first regular-season contest;

d. The first regular season interscholastic contest shall not be played before the Saturday preceding week seven (7) of the National Federation of High Schools Standardized Procedure for Numbering Calendar Weeks; and

e. All middle schools shall maintain protective helmets in accordance with manufacturer's warranty guidelines for recertification;

5. The following baseball pitching limitations shall apply to all interscholastic play at the middle school level including scrimmages, regular season, and post season games:

a. The pitch count shall be based on pitches thrown for strikes (including foul balls), balls, balls in play, and outs;

b. Warm-up pitches allowed before each inning, warm-up pitches allowed by the umpire in case of injury or game delay, and plays attempted against the batter-runner or any runner at first, second, or third base shall not count against this limit;

c. A pitcher at any level who reaches the pitch count limit in the middle of an at-bat shall be allowed to finish that hitter;

d. The required calendar rest shall begin on the day following the date on which the game began, or a resumed game began regardless of the conclusion time of the game; and

e. The rest periods shall be based on the following total pitches:

(i) Maximum pitches - eighty-five (85);

(ii) Fifty-six (56) pitches or more - three (3) calendar days rest;

(iii) Thirty-six (36) to fifty-five (55) pitches - two (2) calendar days rest;

(iv) Twenty (20) to thirty-five (35) pitches - one (1) calendar day rest; and

(v) One (1) to nineteen (19) pitches - no mandated rest;

6. Students seeking to play or practice, including scrimmages, regular season, and post season games, in the sport of fastpitch softball, shall be required to wear face protection, commercially manufactured for softball facial protection and worn as intended by the manufacturer, when playing the positions of first base, third base, and pitcher; and

7. Teams participating in middle school athletics as defined by subsection (1) of this section shall use KHSAA licensed officials in the sports of baseball, basketball, field hockey, football, soccer, softball, and volleyball;

(4) Create a permanent Middle School Athletics Advisory Committee. This committee shall:

(a) Report regularly, not less than annually to the Board of Control of the KHSAA with the Board of Control obligated to make a recommendation to the Kentucky Board of Education with respect to annually proposed regulatory changes;

(b) Be composed of no less than three (3) middle school representatives from each Supreme Court district as well as no less than three (3) at large representatives from throughout the state;

(c) Provide an opportunity for nonprofit athletic groups, parents, and others to participate and provide input on the sport, athletic event, or athletes involved in interscholastic activities through local school districts;

(d) Meet not less than twice annually to review current programs and policies, make recommendations for improvements to and participation in middle school interscholastic activities, as well as any changes in statute, administrative regulation, or policy related to middle school interscholastic athletics, and assist in the development of model guidelines for schools, districts, conferences, and associations to be used in implementing a middle school athletic program; and

(e) Report regularly, not less than annually, to the commissioner of the KHSAA and issue, in conjunction with the commissioner, a formal written report annually to the KBE with recommendations for changes in statute, administrative regulation, or policy;

(5) Require any organization conducting a school-based event at the middle school level to submit the following, which shall be published and listed on the KHSAA Web site:

(a) Annual financial reports of all sanctioned and approved events sponsored by the organization; and

(b) Documentation of financial accountability including verification of federal status and tax documents including an annual IRS Form 990;

(6) Provide notice to the middle schools related to any program conducted by KHSAA related to educating school administrators about the provisions of 20 U.S.C. 1681, Title IX;

(7) Provide educational materials and a mechanism to facilitate the monitoring and tracking capabilities for the middle schools to ensure compliance with the provisions of KRS 160.445 and other requirements for coaches at the middle school level;

(8) Require that any student who turns:

(a) Fifteen (15) years of age before August 1 of the current school year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades **8 [eight-(8)]** and below;

(b) Fourteen (14) years of age before August 1 of the current year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades **7 [seven-(7)]** and below; and

(c) Thirteen (13) years of age before August 1 of the current school year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades **6 [six-(6)]** and below;

(9) Require each school, school district, conference, or association of schools to develop rules and limitations regarding student participation at the middle school level to include:

(a) A defined age limitation for participating students;

(b) A policy regarding the participation of students below grade **6 [six-(6)]**;

(c) A limitation on practice time before the season in any sport or sport activity which shall not exceed the practice time adopted for play at the high school level;

(d) A limitation on the number of school-based scrimmages and regular season, school based contests in each sport or sport-activity, which shall not include post season contests and shall not exceed the allowable number of contests for that sport or sport-activity at the high school level; and

(e) A limitation on the length of the regular competitive season in each sport or sport-activity, not including any post season activities, which shall not exceed the length for that sport or sport-activity at the high school level;

(10) Conduct all meetings related to middle school athletics in accordance with KRS 61.805 through 61.850;

(11) Issue an annual report to the KBE on the status of interscholastic athletics at the middle school level, including any recommendations for changes in statute, administrative regulation, or policy;

(12) Allow a school or school district to join a conference or association that has developed rules for any particular sport or sport-activity to satisfy the requirements of this administrative regulation; and

(13) The period of June 25 to July 9, inclusive, shall be a dead period for middle school athletics. During the dead period:

(a) Students shall not receive coaching or training from school personnel, whether salaried or non-salaried;

(b) School facilities, uniforms, nicknames, transportation, or equipment shall not be used;

(c) School funds shall not be expended in support of interscholastic athletics; and

(d) A postseason wrap-up activity, celebration, or recognition event relating to a spring sports team at a school may be held.

Section 5. Financial Planning and Review Requirements.

(1) KHSAA shall annually submit the following documents to the KBE by October 31:

(a) Draft budget for the next two (2) fiscal years, including the current year;

(b) End-of-year budget status report for the previous fiscal year;

(c) Revisions to the KHSAA Strategic Plan as a result of an annual review of the plan by the KHSAA governing body;

(d) A summary report of operations including summaries of financial, legal, and administrative actions taken and other items ongoing within KHSAA. This report shall also include a summary of items affecting:

1. Athletic appeals and their disposition, including the name of the individual, grade, school, and the action taken by KHSAA;

2. Eligibility rules;

3. Duties of school officials;

4. Contests and contest limitations;

5. Requirements for officials and coaches; and

6. Results of a biennial review of its bylaws that results in a recommendation for a change, directing any proposals for change in association rules to be considered for a vote by the member schools at the next legislative opportunity; and

(e) A review of all items which have been submitted to the membership for approval through the processes established in the KHSAA Constitution and the result of the voting on those issues.

(2) The KHSAA shall annually submit at the next meeting of the Kentucky Board of Education following receipt and adoption by the Board of Control, audited financial statements with the KHSAA Commissioner's letter addressing exceptions or notes contained in management correspondence if any.

Section 6. Forms. The forms incorporated by reference in this administrative regulation shall be filed:

(1) Using the paper form; or

(2) Using the electronic forms found on the Kentucky High School Athletic Association Web site at www.khsaa.org.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "KHSAA Constitution", 5/2025[7/2021];

(b) "KHSAA Bylaws", 5/2025[7/2023];

(c) "KHSAA Due Process Procedure", 5/2025[7/2023];

(d) "KHSAA Board of Control Adopted Policies", 5/2025[9/2023];

(e) KHSAA Form BA101- Baseball Pitching Limitation", 6/2016;

(f) KHSAA Form GE01, "Application for Membership", 7/2023;

(g) KHSAA Form GE04, "Athletic Participation Form, Parental and Student Consent and Release for High School Level (grades 9 - 12) Participation", 5/2025[5/2023];

(h) KHSAA Form DP02, "Request for Statutory Waiver of Bylaw 2", 6/2018;

(i) KHSAA Form DP06, "Application for Athletic Eligibility for Domestic Students", 5/2025[7/2023];

(j) KHSAA Form DP07, "Application for Athletic Eligibility for Non-Domestic Students", 5/2025[07/2023];

(k) KHSAA Form DP16, "Request for Waiver of 20 Day Notice", 6/2018;

(l) KHSAA Form DP17, "Add. Info for Appeal", 6/2018;

(m) KHSAA Form DP18 "Waiver – 15 Day Exceptions", 6/2018;

(n) "KHSAA Form GE14- Contract for Athletic Contests", 5/2025[7/2020]; and

(o) "KHSAA Form GE19-Title IX Procedures Verification", 5/2011;

(p) KHSAA Form GE110, "Wet Bulb Globe[GE20, "Heat Index] Measurement and Record", 6/2023; and[4/2014].

(q) "KHSAA Form MS01- Athletic Participation Parental and Student Consent and Release for Middle School (grades 5-8) Participation", 5/2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Legal Services, Department of Education, 5th Floor, 300 Sower Blvd, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

CONTACT PERSON: Todd Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov.

Andy Beshear
Governor



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September 3, 2025

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

Re: 704 KAR 4:010. Physical education

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 704 KAR 4:010, the Kentucky Board of Education proposes the attached amendment to 704 KAR 4:010.

Sincerely,

Todd G. Allen
Deputy Commissioner and General Counsel

attachment

Subcommittee Substitute

EDUCATION AND LABOR CABINET

Kentucky Board of Education

Department of Education

(As Amended at ARRS)

704 KAR 4:010. Physical education.

RELATES TO: KRS[~~156.031,~~] 156.160(1)

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY:[~~KRS 156.031 requires that administrative regulations relating to statutes amended by the 1990 Kentucky Education Reform Act be reviewed, amended if necessary and resubmitted to the Legislative Research Commission prior to December 30, 1990; and~~] KRS 156.160(1)(h) requires the Kentucky Board of Education[~~State Board for Elementary and Secondary Education~~] to adopt administrative regulations governing[~~course of study,~~] medical inspection, physical and health education and recreation, and other [~~rules and administrative~~] regulations [~~deemed~~] necessary or advisable for the protection of the physical welfare and safety of the public school children. This administrative regulation implements that duty relative to health and physical education instruction.

Section 1. Elementary and secondary physical education programs or courses shall follow the descriptions and requirements ~~as adopted in 704 KAR 8:050~~[~~recorded in the physical education section of the "Program of Studies for Kentucky Schools, Grades K-12," as adopted in 704 KAR 3:304,~~] and in the minimum [~~unit~~] requirements for high school graduation set forth in 704 KAR 3:305.

Section 2. (1) A local board of education may authorize a child whose parents or guardian present a **signed statement of a properly licensed physician, advanced practice registered nurse, physician's assistant, psychologist, or psychiatrist** [~~certificate from a licensed physician~~] to the effect that because of the child's physical condition[~~,~~] participation in the required one-half (1/2) credit[~~unit~~] physical education course in high school is not in the best interest of the child **or,** to substitute a physical education course which is within the capabilities of the child as specified by the child's physician.

(2) (a) A local board of education **may** [~~is authorized to~~] exempt any child from the graduation requirements for physical education when the local board receives an affidavit from the parents of the child and the leader of a church certifying that the child is a member of the church or religious denomination, the teachings of which are opposed to the physical education curriculum or attire. The affidavit shall identify the church tenet giving rise to **the** [~~such~~] conscientiously held opposition, and any exemption hereunder shall not reduce the total number of credits necessary for graduation under 704 KAR 3:305.

(b) The local school district may, in the alternative, maintain the requirement of physical education for graduation, by allowing for more modest dress or classes segregated by sex for those students having conscientious religious objections if **it** [~~such~~] will reasonably accommodate

the [such] objections.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

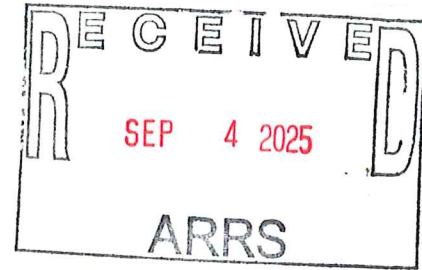
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September 3, 2025

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

Re: 704 KAR 8:030. Required Academic Standards for Health Education

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 704 KAR 8:030, the Kentucky Board of Education proposes the attached amendment to 704 KAR 8:030.

Sincerely,

Todd G. Allen
Deputy Commissioner and General Counsel

attachment

Subcommittee Substitute

EDUCATION AND LABOR CABINET

Kentucky Board of Education

Department of Education

(As Amended at ARRS)

704 KAR 8:030. Required Academic Standards for Health Education.

RELATES TO: KRS 156.070, 156.160, 158.645, 158.6451, 158.6453, 160.290

STATUTORY AUTHORITY: 156.070(1), 156.160(1), 158.6453(18)[(2)(a)]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(1)(a)~~[KRS 156.070]~~ requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. KRS 156.160(1)(h) requires the Kentucky Board of Education to adopt administrative regulations governing medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the protection of the physical welfare and safety of the public school children including requirements for student health standards to be met by all students in grades **4, 8, and 12** ~~[four (4), eight (8)], and twelve (12)]~~ pursuant to the outcomes described in KRS 158.6451. KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education. KRS 158.6453(18)(a) requires the Kentucky Department of Education to implement a comprehensive process for reviewing and revising the academic standards in practical living skills for all levels.~~[KRS 158.6453(2)(a) requires the Kentucky Department of Education to implement a process for the review of academic standards and the alignment of corresponding assessments.]~~ This administrative regulation incorporates by reference the Kentucky Academic Standards for Health Education, which contain the general courses of study and academic content standards of health education for use in Kentucky's common schools.

Section 1. Before graduating from a Kentucky public high school, a student shall meet the minimum content requirements established in the Kentucky Academic Standards for Health Education.

Section 2. Incorporation by Reference. (1) The "Kentucky Academic Standards for Health Education", June 2025~~[October 2018]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, 5th floor, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may be viewed at: <https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx>.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321,

emailregcomments@education.ky.gov

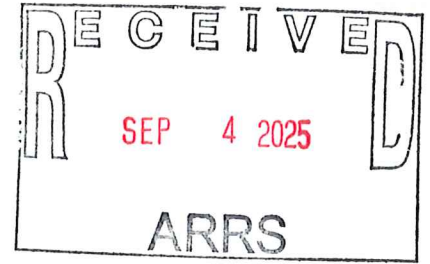
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September 2, 2025

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

Re: 704 KAR 8:080. Required academic standards in career studies and financial literacy

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 704 KAR 8:080, the Kentucky Board of Education proposes the attached amendment to 704 KAR 8:080.

Sincerely,

Todd G. Allen
Deputy Commissioner and General Counsel

attachment

Staff-suggested Amendment

**Final Version 9/2/2025
EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education**

704 KAR 8:080. Required academic standards in career studies and financial literacy.

Page 2

NECESSITY, FUNCTION, AND CONFORMITY paragraph

Lines 1 and 5

After "grade", insert "9".

Delete "nine (9)".

Page 2

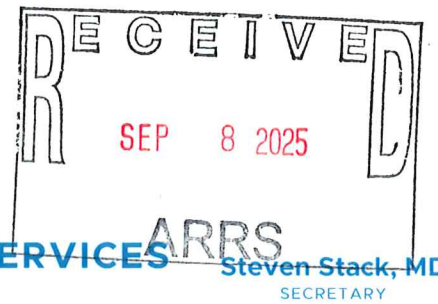
Section 1(2)

Lines 18 and 19

After "grades", insert "9-12".

Delete the following:

nine (9) through twelve (12)



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES

275 East Main Street, 5W-A
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Steven Stack, MD
SECRETARY

September 8, 2025

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: 900 KAR 6:075E. Certificate of need nonsubstantive review.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 900 KAR 6:075E, the Cabinet for Health and Family Services proposes the attached amendments to 900 KAR 6:075E.

Sincerely,

Lucie Estill
Staff Assistant
Office of Legislative and Regulatory Affairs

Attachment

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Inspector General
Division of Certificate of Need
(Emergency Amended After Comments)

900 KAR 6:075E. Certificate of need nonsubstantive review.

EFFECTIVE: August 15, 2025

Prior Versions:

Emergency Amendment - 52 Ky.R. 11

RELATES TO: KRS 216B.010, 216B.015, 216B.020, 216B.040, 216B.062, 216B.090, 216B.095, 216B.115, 216B.450(5), 216B.455, 216B.990, 311A.025(4)

STATUTORY AUTHORITY: KRS 216B.040(2)(a)1., 216B.095

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.040(2)(a)1. requires the Cabinet for Health and Family Services to administer Kentucky's Certificate of Need Program and to promulgate administrative regulations as necessary for the program. KRS 216B.095 authorizes the review of certificate of need applications that are granted nonsubstantive status. This administrative regulation establishes the requirements necessary for consideration for nonsubstantive review of applications for the orderly administration of the Certificate of Need Program.

Section 1. Definitions.

- (1) "Ambulatory surgical center" is defined by KRS 216B.015(4).
- (2) "Cabinet" is defined by KRS 216B.015(6).
- (3) "Certificate of Need Newsletter" means the monthly newsletter that is published by the cabinet regarding certificate of need matters and is available on the Certificate of Need Web site at <https://chfs.ky.gov/agencies/os/oig/dcn/Pages/cn.aspx>.
- (4) "Days" means calendar days, unless otherwise specified.
- (5) "Formal review" means the review of an application for certificate of need that is reviewed within ninety (90) days from the commencement of the review as provided by KRS 216B.062(1) and that is reviewed for compliance with the review criteria set forth at KRS 216B.040 and 900 KAR 6:070.
- (6) "Nonsubstantive review" is defined by KRS 216B.015(18).
- (7) "Public notice" means notice given through the cabinet's Certificate of Need Newsletter.
- (8) "Psychiatric residential treatment facility" or "PRTF" is defined in KRS 216B.450(5) as a Level I facility or a Level II facility.

Section 2. Nonsubstantive Review.

- (1) The cabinet shall grant nonsubstantive review status to an application to change the location of a proposed health facility or to relocate a licensed health facility only if:
 - (a) There is no substantial change in health services or bed capacity; and
 - (b)
 1. The change of location or relocation is within the same county; or
 2. The change of location or relocation is for a psychiatric residential treatment facility.

(2) The cabinet shall grant nonsubstantive review status to an application that proposes to establish an ambulatory surgical center pursuant to the conditions specified in KRS 216B.095(7).

(3) In addition to the projects specified in KRS 216B.095(3)(a) through (e), pursuant to KRS 216B.095(3)(~~f~~), the Office of Inspector General shall grant nonsubstantive review status to an application for which a certificate of need is required if:

(a) The proposal involves the establishment or expansion of a health facility or health service for which there is not a component in the State Health Plan;

(b) The proposal involves an application to re-establish a licensed healthcare facility or service that was provided at a hospital and was voluntarily discontinued by the applicant under the following circumstances:

1. The termination or voluntary closure of the hospital:

a. Was not the result of an order or directive by the cabinet, governmental agency, judicial body, or other regulatory authority;

b. Did not occur during or after an investigation by the cabinet, governmental agency, or other regulatory authority;

c. Did occur while the facility was in substantial compliance with applicable administrative regulations and was otherwise eligible for re-licensure; and

d. Was not an express condition of any subsequent certificate of need approval;

2. The application to re-establish the healthcare facility or service that was voluntarily discontinued is filed no more than one (1) year from the date the hospital last provided the service that the applicant is seeking to re-establish;

3. A proposed healthcare facility shall be located within the same county as the former healthcare facility and at a single location; and

4. The application shall not seek to re-establish any type of bed utilized in the care and treatment of patients for more than twenty-three (23) consecutive hours;

(c)

1. The proposal involves an application to establish an ambulatory surgical center that does not charge its patients and does not seek or accept commercial insurance, Medicare, Medicaid, or other financial support from the federal government; and

2. The proposed ambulatory surgical center shall utilize the surgical facilities of an existing licensed ambulatory surgical center during times the host ambulatory surgical center is not in operation;

(d) The proposal involves an application to establish an industrial ambulance service;

(e) ~~[Prior to July 1, 2026,]~~ The proposal involves an application by:

1. An ambulance service that is owned by a city or county government seeking to provide ambulance transport services pursuant to KRS 216B.020(9)(a)1. or 2.; or

2. A licensed hospital seeking to provide transport from a location that is not a healthcare~~[health care]~~ facility pursuant to KRS 216B.020(9)(a)3. and (b);

(f) The proposal involves an application to transfer acute care beds from one (1) or more existing Kentucky-licensed hospitals to establish a new hospital under the following circumstances:

1. The existing hospital and new facility shall be under common ownership and located in the same county;

2. No more than fifty (50) percent of the existing hospital's acute care beds shall be transferred to the new facility; and

3.

a. If the existing hospital is a state university teaching hospital, the existing hospital exceeded, by at least one (1), the minimum number of quality measures required to receive supplemental

university directed payments from Kentucky Medicaid for the state fiscal year preceding the date the application was filed; or

b. If the existing hospital is not a state university teaching hospital, the existing hospital's overall rating by the Centers for Medicare and Medicaid Services Hospital Compare was three (3) stars or higher on the most recent annual update to the overall star ratings preceding the date the application was filed;

(g)

1. The proposal involves an application from a Program of All-Inclusive Care for the Elderly (PACE) program that:

a. Has met the requirements of the State Readiness Review (SRR) according to a report submitted by the Department for Medicaid Services (DMS) to the Centers for Medicare and Medicaid Services (CMS);

b. Seeks to provide, directly to its members, a health service that is not exempt from certificate of need (CON) under KRS 216B.020(1); and

c. Ensures that all services authorized under the PACE agreement are provided exclusively to its members who reside within the service area. The service area shall be:

(i) Located within the Commonwealth of Kentucky; and

(ii) Approved by both CMS and DMS.

2. Only an approved PACE program operating within the applicant's service area shall qualify as an affected person for the purpose of opposing a PACE program application.

3. A PACE program shall not be required to obtain certificate of need (CON) approval if the program:

a. Provides direct patient health services that are exempt from CON under KRS 216B.020(1) and provides other services subject to CON approval through contracts with licensed providers; or

b. Has already obtained CON approval within the approved PACE service area to provide a health service that is not exempt from CON;

(h) The proposal involves an application to establish an inpatient psychiatric unit in an existing licensed acute care hospital under the following conditions:

1. The hospital is located in a county that has no existing, freestanding psychiatric hospital;

2. The occupancy of acute care beds in the applicant's facility is less than seventy (70) percent according to the most recent edition of the Kentucky Annual Hospital Utilization and Services Report;

3.

a. All of the proposed psychiatric beds are being converted from licensed acute care beds; and

b. No more than twenty (20) percent of the facility's acute care beds up to a maximum of twenty-five (25) beds will be converted to psychiatric beds;

4. All of the psychiatric beds will be implemented onsite~~[on-site]~~ at the applicant's existing licensed facility; and

5. All of the psychiatric beds shall be dedicated exclusively to the treatment of adult patients, aged eighteen (18) to sixty-four (64);

(i) The proposal involves an application by a Kentucky-licensed acute care hospital, critical access hospital, or nursing facility proposing to expand a home health service to provide services exclusively to patients discharged from its facility who require home health services at the time of discharge and no existing, licensed home health agency is available and willing to accept the referral. The hospital or nursing facility shall document its efforts to find a Home Health Agency. A license issued under this subsection shall contain the limitation set forth herein;[.]

(j) ***The proposal involves an application for a Level II PRTF[Level II PRTFs shall be subject to the nonsubstantive review process];[.]***

(k) The proposal involves an application to establish a new pediatric teaching hospital under the following circumstances:

1. No less than one hundred fifty (150) pediatric acute care beds of the new pediatric teaching hospital are transferred from an existing pediatric teaching hospital that is a Kentucky-licensed hospital;
2. The existing pediatric teaching hospital is under common ownership with the new pediatric teaching hospital;
3. The existing pediatric teaching hospital is located within the same county as the new pediatric teaching hospital;
4. The new pediatric teaching hospital may include the same types of pediatric services and diagnostic equipment as currently provided at the existing pediatric teaching hospital, including pediatric acute care, Level II, III, and IV special neonatal beds, pediatric open heart surgery and cardiac catheterization, pediatric organ and tissue transplant program, pediatric psychiatric beds, and pediatric megavoltage radiation, positron emission tomography, and magnetic resonance imaging equipment, with no additional certificate of need application required for establishing any of these specific pediatric services and diagnostic equipment at the new pediatric teaching hospital;
5. The total number of pediatric acute care beds at the new pediatric teaching hospital shall not exceed 140% of the total number of pediatric beds at the existing pediatric teaching hospital at the time of application, and the pediatric acute care beds remaining at the existing pediatric teaching hospital shall not be designated as adult beds; and
6. The applicant certifies that the new pediatric teaching hospital will continuously operate as a pediatric teaching hospital, as that term is currently defined; or

~~(l) [The proposal involves an application by an existing provider of a Level II service within the same area development district to establish a Level II program with four (4) Level II Special Care Neonatal beds consistent with this plan if the applicant is under common ownership.]~~

(l) The proposal involves an application to establish a Level II program with four (4) Level II Special Care Neonatal beds and the applicant is under common ownership with an existing provider of Level II services within the same area development district.

(4) A certificate of need approved for an application submitted under subsection (3)(c) of this section shall state the limitations specified under subsection (3)(c)1. and 2. of this section.

(5) If an application is denied nonsubstantive review status by the Office of Inspector General, the application shall automatically be placed in the formal review process.

(6) If an application is granted nonsubstantive review status by the Office of Inspector General, notice of the decision to grant nonsubstantive review status shall be given to the applicant and all known affected persons.

(7)

(a) If an application is granted nonsubstantive review status by the Office of Inspector General, any affected person who believes that the application is not entitled to nonsubstantive review status or who believes that the application should not be approved may request a hearing by filing a request for a hearing within ten (10) days of the notice of the decision to conduct nonsubstantive review.

(b) The provisions of 900 KAR 6:090 shall govern the conduct of all nonsubstantive review hearings.

(c)

1. Except as provided in subparagraph 2. of this paragraph, nonsubstantive review applications shall not be comparatively reviewed.

2. If the capital expenditure proposed involves the establishment or expansion of a health facility or health service for which there is a component in the State Health Plan, the nonsubstantive review applications shall be comparatively reviewed.

(d) Nonsubstantive review applications may be consolidated for hearing purposes.

(8) If an application for certificate of need is granted nonsubstantive review status by the Office of Inspector General, there shall be a presumption that the facility or service is needed and a presumption that the facility or service is consistent with the State Health Plan.

(9) If each applicable review criterion in the State Health Plan has been met, there shall be a presumption that the facility or service is needed unless the presumption of need has been rebutted by clear and convincing evidence by an affected party.

(10) Unless a hearing is requested pursuant to 900 KAR 6:090, the Office of Inspector General shall approve each application for a certificate of need that has been granted nonsubstantive review status if the exception established in subsection (11)(a) of this section does not apply.

(11) The cabinet shall disapprove an application for a certificate of need that has been granted nonsubstantive review if the cabinet finds that the:

(a) Application is not entitled to nonsubstantive review status; or

(b) Presumption of need or presumption that the facility or service is consistent with the State Health Plan provided for in subsection (8) of this section has been rebutted by clear and convincing evidence by an affected party.

(12) In determining whether an application is consistent with the State Health Plan, the cabinet, in making a final decision on an application, shall apply the latest criteria, inventories, and need analysis figures maintained by the cabinet and the version of the State Health Plan in effect at the time of the public notice of the application.

(13) In determining whether an application is consistent with the State Health Plan following a reconsideration hearing pursuant to KRS 216B.090 or a reconsideration hearing that is held by virtue of a court ruling, the cabinet shall apply the latest criteria, inventories, and need analysis figures maintained by the cabinet and the version of the State Health Plan in effect at the time of the reconsideration decision or decision following a court ruling.

(14) A decision to approve or disapprove an application that has been granted nonsubstantive review status shall be rendered within thirty-five (35) days of the date that nonsubstantive review status has been granted, as required by KRS 216B.095(1). A hearing officer shall prioritize rendering decisions regarding applications granted nonsubstantive review status pursuant to Section 2(3)(g) of this administrative regulation.

(15) If a certificate of need is disapproved following nonsubstantive review, the applicant may:

(a) Request that the cabinet reconsider its decision pursuant to KRS 216B.090 and 900 KAR 6:065;

(b) Request that the application be placed in the next cycle of the formal review process; or

(c) Seek judicial review pursuant to KRS 216B.115.

Section 3. Exemption from Certificate of Need.

(1) A city or county government-owned ambulance service that meets the criteria established by KRS 216B.020(8) shall not be required to obtain a certificate of need to provide emergency ambulance transport services.

(2) A hospital-owned ambulance service shall not be required to obtain a certificate of need to provide non-emergency or emergency transport that originates from its hospital pursuant to KRS 216B.020(7).

(3)

(a) If a hospital-owned ambulance service has certificate of need approval prior to the most recent effective date of this administrative regulation to provide transport services from another health facility to its hospital, the service shall not be required to obtain authorization in accordance with paragraph (b) of this subsection.

(b) A hospital-owned ambulance service that is exempt from certificate of need under KRS 216B.020(7) may provide transport services from another health facility to its hospital if authorized as ~~established~~[set out] in KRS 311A.025(4).

(c)

1. As used in paragraph (b) of this subsection, a hospital is authorized to provide inter-facility transport of a patient if:

a. The hospital contacts by phone at least one (1) ground ambulance provider with jurisdiction in the territory in which the other health facility is located, using contact information from the most recent edition of the agency directory maintained by the Kentucky Board of Emergency Medical Services at the following link (<https://kbems.ky.gov/Legal/Pages/EMS-Directory.aspx>)(<https://kbems.kctcs.edu/legal/EMS%20Directory.aspx>) and

b. The ground ambulance provider:

(i) Declines the hospital's request for patient transport; or

(ii) Is not able to initiate the patient's transport within four (4) hours of receiving the hospital's request.

2. For purposes of this paragraph, a provider initiates transport when it arrives at the hospital to transport the patient.

3. The hospital shall document the ambulance service contacted and the reason for authorization to provide transport from another health facility to its hospital.

~~[(4)–~~

~~**(a) In accordance with KRS 216B.020(12)(a), the provisions of this section and Section 2(3)(e) of this administrative regulation shall expire on July 1, 2026.**~~

~~**(b) In accordance with KRS 216B.020(12)(b), a certificate of need exemption granted to an ambulance service under this section of this administrative regulation shall remain in effect on and after July 1, 2026.]**~~