

CHAPTER 137

(SB 65)

AN ACT relating to deficient administrative regulations and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 13A IS CREATED TO READ AS FOLLOWS:

- (1) *The General Assembly finds that 803 KAR 1:006, Employer-Employee Relationship, was found deficient but became effective notwithstanding the finding of deficiency pursuant to KRS 13A.330, on or after April 14, 2022, and before March 30, 2023, as evidenced by records of the Legislative Research Commission.*
- (2) *Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, the administrative regulation referenced in subsection (1) of this section, including any subsequently filed amendment, shall be null, void, and unenforceable as of the effective date of this Act.*
- (3) *Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, the administrative body shall be prohibited from promulgating an administrative regulation that is identical to, or substantially the same as, the administrative regulation referenced in subsection (1) of this section for a period beginning on January 3, 2023, and concluding on June 1, 2024.*
- (4) *The administrative regulation referenced in subsection (1) of this section shall be available to the public, in the office of the Legislative Research Commission's regulations compiler.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 13A IS CREATED TO READ AS FOLLOWS:

- (1) *The General Assembly finds that proposed emergency and ordinary amendments of the following administrative regulations were found deficient pursuant to KRS 13A.030, on or after April 14, 2022, and before March 30, 2023, as evidenced by the records of the Legislative Research Commission:*
 - (a) *907 KAR 1:026, Dental Services' Coverage Provisions and Requirements;*
 - (b) *907 KAR 1:038, Hearing Program Coverage Provisions and Requirements; and*
 - (c) *907 KAR 1:632, Vision Program Coverage Provisions and Requirements.*
- (2) *Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding:*
 - (a) *The proposed emergency amendments referenced in subsection (1) of this section shall be null, void, and unenforceable as of the effective date of this Act; and*
 - (b)
 1. *If the proposed ordinary amendments referenced in subsection (1) of this section have not been adopted on or before the effective date of this Act, the proposed ordinary amendments shall expire as of the effective date of this Act; or*
 2. *If the proposed ordinary amendments referenced in subsection (1) of this section have been adopted on or before the effective date of this Act, the administrative regulations, including any subsequently filed amendments, shall be null, void, and unenforceable as of the effective date of this Act.*
- (3) *Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, the administrative body shall be prohibited from promulgating administrative regulations that are identical to, or substantially the same as, the proposed amendments referenced in subsection (1) of this section for a period beginning on January 3, 2023, and concluding on June 1, 2024.*
- (4) *The proposed amendments referenced in subsection (1) of this section shall be available to the public, in the office of the Legislative Research Commission's regulations compiler.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 13A IS CREATED TO READ AS FOLLOWS:

- (1) *The General Assembly finds that the proposed emergency amendment of 201 KAR 2:380, Board Authorized Protocols, was found deficient pursuant to KRS 13A.030, on or after April 14, 2022, and before March 30, 2023, as evidenced by the records of the Legislative Research Commission.*

- (2) *Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, the proposed emergency amendment referenced in subsection (1) of this section shall be null, void, and unenforceable as of the effective date of this Act.*
- (3) *Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, the administrative body shall be prohibited from promulgating an administrative regulation that is identical to, or substantially the same as, the proposed emergency amendment referenced in subsection (1) of this section for a period beginning on January 3, 2023, and concluding on June 1, 2024.*
- (4) *The proposed emergency amendment referenced in subsection (1) of this section shall be available to the public, in the office of the Legislative Research Commission's regulations compiler.*

➔Section 4. The Department for Medicaid Services shall reimburse providers utilizing the fee schedule in effect as of January 1, 2023, for services rendered or initiated prior to the effective date of this Act. Nothing in Section 2 of this Act shall be construed to prohibit or prevent the Department for Medicaid Services from covering the services that were initiated prior to the effective date of this Act.

➔Section 5. Nothing in Section 2 of this Act shall be construed to prohibit or prevent the Department for Medicaid Services from increasing reimbursement rates after the effective date of this Act for the dental, hearing, and vision services that were covered before January 1, 2023.

➔Section 6. Whereas it is crucial that the Commonwealth's regulatory policy reflect the statutory intent of the General Assembly, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden March 29, 2023.