

## **902 KAR 115:020. Enforcement of Water Fluoridation Program.**

RELATES TO: KRS 211.190(11)

STATUTORY AUTHORITY: KRS 13B.170, 194.050(1), 211.090(3), EO 96-862

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194.050(1) and 211.090(3) authorize the cabinet to promulgate administrative regulations to protect the health and welfare of the citizens. This administrative regulation establishes the procedures for the enforcement of the Cabinet for Health Services Water Fluoridation Programs as directed by KRS 211.190(11). Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Department for Public Health and the Dental Health Program under the Cabinet for Health Services.

Section 1. Notice of Violation. (1) If the Cabinet for Health Services has reasonable grounds to believe that a violation of 902 KAR 115:010 has occurred, it shall serve the alleged violator with a "Notice of Violation" (DH-36).

(2) The "Notice of Violation" shall state:

- (a) The violation;
- (b) Measures required to be taken to correct the violation;
- (c) The date by which the corrective measures shall be completed;
- (d) That the alleged violator has the right to request a hearing which shall be conducted in accordance with 902 KAR 1:400; and
- (e) That the alleged violator may file an appeal in accordance with 902 KAR 1:400.

Section 2. Hearing. An administrative hearing shall be conducted in accordance with 902 KAR 1:400.

Section 3. Incorporation by Reference. (1) Form DH-36, "Notice of Violation (4/96 Edition), Cabinet for Health Services, is incorporated by reference.

(2) This form may be inspected, copied, or obtained at the Office of the Commissioner for Public Health, 275 East Main Street, Frankfort Kentucky, 8 a.m. to 4:30 p.m., Monday through Friday. (21 Ky.R. 3106; 22 Ky.R. 292; eff. 7-26-1995; 23 Ky.R. 1785; 2524; eff. 11-20-1996; Crt eff. 4-5-2019.)