

## BOARDS AND COMMISSIONS

### Board of Cosmetology

#### (Amendment)

#### 201 KAR 12:010. Executive director's duties.

RELATES TO: KRS Chapter 18A, 317A.040, 317A.050, 317A.060, 317A.120, 317A.145

STATUTORY AUTHORITY: KRS 317A.040, 317A.060, 317A.120

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.040(2) requires the employment of an executive director to administer the provisions of KRS Chapter 317A and the policies and administrative regulations of the board. KRS 317A.040(1) authorizes the board to delegate staffing decisions to the executive director. KRS 317A.060 requires the board to promulgate administrative regulations that include protecting the public and establishing examination requirements. KRS 317A.120 requires trained proctors at examinations. This administrative regulation clarifies the authority and establishes duties of the executive director.

#### Section 1. Duties.

(1) The executive director shall:

(a) Serve as the board's liaison officer and coordinate all administrative matters of the board;

(b) Discharge such duties as may be assigned to the Director by the board ~~Assist the board in hiring proctors to conduct examinations;~~

~~[(c)] Make staffing decisions, including filling merit positions from the merit register pursuant to and in accordance with KRS Chapter 18A and KAR Title 101 of the Kentucky Administrative Regulations;~~ and

(c) ~~[(d)]~~ Be considered the designated appointing authority for the purposes of filling merit positions, and taking disciplinary actions in accordance with 201 KAR Chapter 12 and KRS Chapter 317A.

(2) The executive director may, with the approval of the Board:

(a) Inspect any establishment licensed or issued a permit by the board; and

~~[(b)] Investigate a reported violation of KRS Chapter 317A or 201 KAR Chapter 12; and~~

(b) ~~[(c)]~~ On behalf of the board and with the Board's approval, require the production of;

1. A license;

2. The attendance of a witness; or

3. The production of records, documents, and material relating to licensed activity by the board.

*KERRY HARVEY, Chair, Board of Cosmetology*

*JONI UPCHURCH, Executive Director*

APPROVED BY AGENCY: March 10, 2025

FILED WITH LRC: April 14, 2025 at 8:08 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, June 30th, 2025 at 2:00 p.m. EST at the Kentucky Board of Cosmetology. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend.

If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30th, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Joni Upchurch, Executive Director, 1049 US-HWY 127, Annex #2, Frankfort, Kentucky 40601, (502) 564-4262, [joni.upchurch@ky.gov](mailto:joni.upchurch@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:Joni Upchurch**

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation sets forth the duties of the Executive Director.

**(b) The necessity of this administrative regulation:**

This administrative regulation is necessary to lay out the responsibilities of the director who administers the provision of KRS Chapter 317A.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

This administrative regulation conforms to the content of the authorizing statutes as it outlines the duties the Board delegates to the Executive Director.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

It provides greater detail of the Board's expectations of the Executive Director.

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

**(a) How the amendment will change this existing administrative regulation:**

The administrative regulation is being amended to clarify the duties of the Executive Director authorized by the Board.

**(b) The necessity of the amendment to this administrative regulation:**

The amendment is necessary to eliminate outdated language about testing and amend the duties of the Executive Director when hiring staff or conducting inspections.

**(c) How the amendment conforms to the content of the authorizing statutes:**

The amendment conforms to the content of the authorizing statutes using the established delegation of authority of the Board to determine the Director's duties as outlined in KRS 317A.040.

**(d) How the amendment will assist in the effective administration of the statutes:**

The amendment will assist by eliminating confusion that might be caused by references to obsolete testing practices and aligning with statutory language.

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

As the head of the regulatory agency, the Executive Director affects all of the licensees regulated by the Board of Cosmetology.

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

**(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:**

This amendment does not impose any requirements on regulated entities.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

There is no anticipated cost to licenses because of this amendment.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

Licenses will benefit from the Executive Director operating with clearer expectations.

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

**(a) Initially:**

No additional funds are necessary to implement this administrative regulation.

**(b) On a continuing basis:**

No additional funds are necessary on an ongoing basis to implement this administrative regulation.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:**

Current funding will not change.

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

No changes or increases in fees is required by this amendment.

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

No fees are created or increased directly or indirectly by this regulation.

**(9) TIERING: Is tiering applied?**

Tiering is not applied as this administrative regulation does not impose any requirements on current or prospective licensees.

## FISCAL IMPACT STATEMENT

**(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:**

. Kentucky Board of Cosmetology is the only agency affected. No other areas of state or local government are affected by this regulation.

**(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:**

This administrative regulation is expressly authorized by an act of the General Assembly

**(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:**

The promulgating agency is the Kentucky Board of Cosmetology. There are no other affected state units, parts, or divisions.

**(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):**

**1. Expenditures:**

**For the first year:N/A**

**For subsequent years:N/A**

**2. Revenues:**

**For the first year:N/A**

**For subsequent years:N/A**

**3. Cost Savings:**

**For the first year:N/A**

**For subsequent years:N/A**

**(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

No local entities are affected.

**(b) Estimate the following for each affected local entity identified in (4)(a):**

**1. Expenditures:**

**For the first year:N/A**

**For subsequent years:N/A**

**2. Revenues:**

**For the first year:N/A**

**For subsequent years:N/A**

**3. Cost Savings:**

**For the first year:N/A**

**For subsequent years:N/A**

**(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):**

No other regulated are affected.

**(b) Estimate the following for each regulated entity identified in (5)(a):**

**1. Expenditures:**

**For the first year:N/A**

**For subsequent years:N/A**

**2. Revenues:**

**For the first year:N/A**

**For subsequent years:N/A**

**3. Cost Savings:**

**For the first year:N/A**

**For subsequent years:N/A**

**(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)**

**(a) Fiscal impact of this administrative regulation:**

There will be a balanced cost to expenditures and revenues to the regulating agency that oversees the items in this regulation.

**(b) Methodology and resources used to reach this conclusion:**

N/A

**(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):**

**(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13):**

There is no negative or adverse major economic impact to anyone.

**(b) The methodology and resources used to reach this conclusion:**

N/A