

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Public Health**  
**Public Health Protection and Safety**  
**(Amendment)**

**902 KAR 1:400. Administrative conference.**

RELATES TO: KRS Chapter 13B, 211.180, 211.190, 211.210, 211.357, 211.360, 211.760, 211.844, 211.925, 212.210, 212.230, 212.620, 212.627, 217.125, 217.126, 217.809, 217C.040, 217C.050, 219.031, 219.370, 223.070

STATUTORY AUTHORITY: KRS 13B.170, 211.025

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 13B.170 allows an agency to enact administrative procedures through administrative regulation that supplement the provisions of KRS Chapter 13B. KRS 211.025 authorizes the cabinet to administer all provisions of law relating to public health and enforce all public health laws and all regulations of the secretary. This administrative regulation establishes the procedures for requesting an administrative conference by the Department for Public Health.

**Section 1. Notice of Enforcement.**

(1) The Department for Public Health (DPH) shall provide the opportunity for an administrative conference to any regulated entity aggrieved by the issuance of a Notice of Enforcement (DFS-214).

(2) The Notice of Enforcement (DFS-214) shall be sent by:

- (a) United States first-class mail to the registered permit holder or responsible party's last address on file;
- (b) Electronic mail to the registered permit holder or responsible party's last electronic mail address on file; or
- (c) Hand delivered or other means, as appropriate.

(3) The notice shall contain:

- (a) A description of the proposed action or action taken;
- (b) The reasons for the action;
- (c) The statutory or regulatory authority for the action; and
- (d) The timeline required to submit a Request for Administrative Conference (DFS-212).

(4) Upon receipt of a Notice of Enforcement (DFS-214), the permit holder or responsible party may submit a Request for Administrative Conference (DFS-212) within ten (10) business days to the local health department of jurisdiction.

(5) Upon receipt of a request for a conference, the local health department of jurisdiction shall schedule an administrative conference and send a Notice of Administrative Conference (DFS-213).

(6) The Notice of Administrative Conference (DFS-213) shall:

- (a) Be sent to the permit holder or responsible party who requested a conference at least ten (10) business days prior to the conference; and
- (b) Include the date, time, and location of the administrative conference.

**Section 2. Notice of Enforcement for Food or Cosmetic Manufacturing Plant.**

(1) The Department for Public Health shall provide the opportunity for an administrative conference to a food or cosmetic manufacturing plant aggrieved by the issuance of a Food or Cosmetic Plant Enforcement Notice (DFS-263), incorporated by reference in 902 KAR 45:160.

(2) The Food or Cosmetic Plant Enforcement Notice (DFS-263) shall be sent by:

- (a) United States first-class mail to the registered permit holder or responsible party's last address on file;
  - (b) Electronic mail to the registered permit holder or responsible party's last electronic mail address on file; or
  - (c) Hand delivered or other means, as appropriate.
- (3) The notice shall contain:
- (a) A description of the proposed action or action taken;
  - (b) The reasons for the action;
  - (c) The statutory or regulatory authority for the action; and
  - (d) The timeline required to submit a Request for Conference (DFS-267), incorporated by reference in 902 KAR 45:160.
- (4) Upon receipt of a Food or Cosmetic Plant Enforcement Notice (DFS-263), the permit holder or responsible party may submit a Request for Conference (DFS-267) within ten (10) business days to the Department for Public Health.
- (5) Upon receipt of a request for a conference, the Department for Public Health shall schedule an administrative conference and send a Food or Cosmetic Plant Notice of Administrative Conference (DFS-268).
- (6) The Food or Cosmetic Plant Notice of Administrative Conference (DFS-268) shall:
- (a) Be sent to the permit holder or responsible party who requested a conference at least ten (10) business days prior to the conference; and
  - (b) Include the date, time, and location of the administrative conference.

#### Section 3. Administrative Conference.

- (1) The administrative conference shall be conducted by a representative of the Department for Public Health.
- (2) During the administrative conference, the permit holder or responsible party may:
- (a) Be represented by counsel; and
  - (b) Present documentation in his or her favor.
- (3) The purpose of the administrative conference is to:
- (a) Clarify the position of the parties; and
  - (b) Attempt to resolve any dispute over the proposed action or action taken.

#### Section 4. Administrative Conference Decision.

- (1) Within ten (10) working days of the conclusion of the administrative conference, the Department for Public Health representative shall:
- (a) Send a written decision to the director of the local health department of jurisdiction; or
  - (b) Send a written decision to the permit holder or responsible party, with a copy to the appropriate program staff, when the notice of enforcement is issued directly by the Department for Public Health.
- (2) The director of the local health department of jurisdiction or appropriate program staff shall forward a copy of the decision to the permit holder or responsible party within five (5) business days.
- (3) The decision shall:
- (a) Be sent by:
    1. United States first-class mail to the registered permit holder or responsible party's last address on file; and
    2. Electronic mail to the registered permit holder or responsible party's last electronic mail address on file; and
  - (b) Contain the:
    1. Results of the administrative conference; and
    2. Permit holder or responsible party's right to appeal pursuant to KRS Chapter 13B.

Section 5. Appeals. The permit holder or responsible party may request a hearing within ten (10) days of receipt of the administrative conference decision by:

- (1) Mailing a request for a hearing to the Division of Public Health Protection and Safety, Department for Public Health, 275 E. Main Street, Mailstop HS1E-A, Frankfort, Kentucky 40621;
- (2) Faxing a request for hearing to 502-564-9523; or
- (3) Emailing a request for hearing to CHFS.Listens@ky.gov.
- (4) Requests for a hearing shall be forwarded by the division to the Office of Administrative Hearings within the Department of Law in accordance with KRS 15.111(2)(g), within two (2) working days of receipt.

Section 6. Nothing in this administrative regulation shall be construed to prevent the Department for Public Health from taking emergency action to protect the public health and safety under the provisions of KRS 13B.125.

Section 7. Material Incorporated by Reference.

- (1) The following material is incorporated by reference:
  - (a) "Request for Administrative Conference (DFS-212)", 4/2025 edition;
  - (b) "Notice of Administrative Conference (DFS-213)", 4/2025 edition;
  - (c) "Notice of Enforcement (DFS-214)", 4/2025 edition; and
  - (d) "Food or Cosmetic Plant Notice of Administrative Conference (DFS-268)", 4/2025 edition.
- (2) This material may be inspected, copied or obtained at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621. Office hours are 8 a.m. to 4:30 p.m.
- (3) This material is also available online. For forms listed in:
  - (a) Subsections (1)(a)-(c) of this section, see <https://chfs.ky.gov/agencies/dph/dafm/Pages/lhddocuments.aspx>; and
  - (b) Subsection (1)(d) of this section, see <https://www.chfs.ky.gov/agencies/dph/dphps/fsb/Pages/foodmanufacturing.aspx>.

*JOHN R. LANGEFELD, MD, Commissioner*  
*STEPHEN J. STACK, M.D., MBA, Secretary*

APPROVED BY AGENCY: January 7, 2026

FILED WITH LRC: February 3, 2026 at 11:50 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. 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 this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-7476; Fax: 502-564-7091; [CHFSregs@ky.gov](mailto:CHFSregs@ky.gov).