

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Public Health

Public Health Protection and Safety

(Amended After Comments)

902 KAR 1:400. Administrative conference.

RELATES TO: KRS 15.111, 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 authorizes an agency to enact administrative hearing procedures by administrative regulation that supplement the provisions of KRS Chapter 13B. KRS 211.025 requires the cabinet to administer all provisions of law relating to public health and to enforce all public health laws and all administrative 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 Department for Public Health or local health department of jurisdiction.
- (5) Upon receipt of a request for a conference, the Department for Public Health or 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. Administrative Conference.

- (1) The administrative conference shall be conducted by a representative of the Department for Public Health.

- (2) The permit holder or responsible party may examine any evidence or information in the agency's possession to be used at the administrative conference at least five (5) days prior to the conference.
- (3) The permit holder or responsible party may arrange an independent transcription of the administrative conference proceedings at its own expense.
- (4) 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.
- (5) The purpose of the administrative conference is to:
 - (a) Clarify the issues and positions of the parties; and
 - (b) Attempt to resolve any dispute over the proposed action or action taken.

Section 3. Administrative Conference Decision.

- (1) Within ten (10) business 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; and
 - (b) Send a written decision to the permit holder or responsible party, with a copy to the appropriate program staff.
- (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 4. Appeals. The permit holder or responsible party may request a hearing within ten (10) days of receipt of the administrative conference decision by:

- (1)
 - (a) 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;
 - (b) Faxing a request for a hearing to 502-564-9523; or
 - (c) Emailing a request for hearing to environmentalappeals@ky.gov.
- (2) 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 5. 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 6. Material Incorporated by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Request for Administrative Conference (DFS-212)", 5/2026 edition;
 - (b) "Notice of Administrative Conference (DFS-213)", 5/2026 edition; and
 - (c) "Notice of Enforcement (DFS-214)", 5/2026 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 at <https://chfs.ky.gov/agencies/dph/dafm/Pages/lhdddocuments.aspx> .
(902 KAR 001:400. 23 Ky.R. 1829; 2521; eff. 11-20-1996; Crt eff. 10-15-2019; 52 Ky.R. 1582, 56; eff. 8-18-2026.)

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

APPROVED BY AGENCY: June 15, 2026
FILED WITH LRC: June 15, 2026 at 9:45 a.m.