ADMINISTRATIVE REGISTER OF KENTUCKY

LEGISLATIVE RESEARCH COMMISSION
Frankfort, Kentucky

VOLUME 34, NUMBER 10
TUESDAY, APRIL 1, 2008

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MEETING NOTICE: ARRS

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet April 14, 2008 at 10 a.m. in room 149 Capitol Annex. See **tentative agenda** on pages **2263-2264** of this Administrative Register.

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KENTUCKY ADMINISTRATIVE REGULATIONS are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title		Chapter	Regulation
806	KAR	50:	155
Cabinet, Department, Board, or Agency		Office, Division, Board, or Major Function	Specific Regulation

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ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
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806 KAR 12:180. Military sales practices. (Not Amended After Comments) (Deferred from March)
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907 KAR 1:044. Community mental health center services. (Written Comments Received)
907 KAR 1:160 & E. Home and community based waiver services. ("E" expires 7/4/08) (Written Comments Received)
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907 KAR 1:820 & E. Disproportionate share hospital distributors. ("E" expires 6/13/08) (Amended After Comments)
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922 KAR 2:210. STARS for KIDS NOW Program for Type II licensed and certified family child-care homes. (Not Amended After Comments) (Deferred from February)

ADMINISTRATIVE REGULATION REVIEW PROCEDURE - OVERVIEW
(See KRS Chapter 13A for specific provisions)

Filing and Publication

Administrative bodies shall file with the Regulations Compiler all proposed administrative regulations, public hearing and comment period information, regulatory impact analysis and tiering statement, fiscal note, federal mandate comparison, and incorporated material information. Those administrative regulations received by the deadline established in KRS 13A.050 shall be published in the Administrative Register.

Public Hearing and Public Comment Period

The administrative body shall schedule a public hearing on proposed administrative regulations which shall not be held before the 21st day or later than the last workday of the month of publication. Written comments shall also be accepted until the end of the calendar month in which the administrative regulation was published.

The administrative regulation shall include: the place, time, and date of the hearing; the manner in which persons may submit notification to attend the hearing and written comments; that notification to attend the hearing shall be sent no later than 5 workdays prior to the hearing date; the deadline for submitting written comments; and the name, position, address, and telephone and fax numbers of the person to whom notification and written comments shall be sent.

The administrative body shall notify the Compiler, by phone and letter, whether the hearing was held or cancelled and whether written comments were received. If the hearing was held or written comments were received, the administrative body shall file a statement of consideration with the Compiler by the fifteenth day of the calendar month following the month of publication.

No transcript of the hearing need to be taken unless a written request for a transcript is made, and the person requesting the transcript shall have the responsibility of paying for same. A recording may be made in lieu of a transcript.

Review Procedure

After the public hearing and public comment period processes are completed, the administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting. After review by the Subcommittee, the administrative regulation shall be referred by the Legislative Research Commission to an appropriate jurisdictional committee for a second review. The administrative regulation shall be considered as adopted and in effect as of adjournment on the day the appropriate jurisdictional committee meets or 30 days after being referred by LRC, whichever occurs first.

EMERGENCY ADMINISTRATIVE REGULATIONS FILED AS OF NOON, MARCH 14, 2008

STATEMENT OF EMERGENCY
103 KAR 3:030E

This emergency administrative regulation is being promulgated in order to provide Kentucky taxpayers the forms and information necessary to comply with Kentucky tax laws. This administrative regulation must be filed as soon as possible in order to incorporate by reference such tax forms and instructions as may be needed by taxpayers and their representatives to comply with Kentucky tax laws. An ordinary administrative regulation is not sufficient, because the public relies on these forms and instructions in order to make timely and accurate filing of tax returns and payment of the correct amount of tax due. This emergency administrative regulation shall be replaced by an ordinary administrative regulation which is being filed with the Regulations Compiler along with this emergency administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.

STEVE BESHEAR, Governor
WILLIAM M. COX, Sr., Commissioner

FINANCE AND ADMINISTRATION CABINET
Department of Revenue
Office of Property Valuation
(Emergency Amendment)

103 KAR 3:030E. Property and Severance Forms manual.

RELATES TO: KRS 42.470, 61.870-61.884, 131.020, 131.030, 131.041-131.081, 131.081(2), (9), (15), 131.110, 131.130, 131.130(3), 131.155, 131.181, 131.183, 131.190, 131.340, 131.500, 131.500(1), (2), (3), (10), 131.510(1), (2)(a), 131.540, 132.020, 132.130-132.180, 132.190, 132 200, 132.220-132.270, 132.290, 132.310, 132.320, 132 360, 132.450, 132.487, 132.510, 132 820, 132.825, 132.990, 133.045, 133.110, 133.120, 133.130, 133.240, 134.020, 134.390, 134.420, 134.430, 134.440, 134.500, 134.590, 134 800, 134.805, 134.810, 134.815, 134.820, 134.825, 134.830, 135.010, 135.020, 135 050, 136.020, 136.050, 136.115-136.180, 136.181-136.187, 136.1802-136.1806, 136.1873, 136.310, 136.320, 136.330, 136.335, 136.377, 136.545, 136.575, 136.600-136.660, 137.130, 137.160, 143.030(1), 143.037, 143.040, 143.050, 143.060(1), 143.085, 143.990, 143A.010, 143A.030, 143A.035, 143A.037, 143A.080, 143A.090, 143A.100(1), 143A.991, Ky. Const. Sec. 170

STATUTORY AUTHORITY: KRS 131.130(3)

EFFECTIVE: February 19, 2008

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required Revenue Forms, used in the administration of Property and Severance Taxes by the Department of Revenue.

Section 1. Property Tax - Required Forms. (1) Revenue Form 61A200(P) "Property Tax Forms and Instructions for Public Service Companies 2008" contains Revenue Form 61A200 and filing instructions for[~~, "Public Service Company Property Tax Return 2006", shall be filed by~~] public service companies[~~with the Department of Revenue~~] reporting company name, location and other pertinent filing information with the Department of Revenue.

(2) Revenue Form 61A200(A), "Report of Total Unit System and Kentucky Operations", shall be filed by public service companies with the Department of Revenue, reporting the System and Kentucky original cost, total depreciation and depreciated cost for all operating and nonoperating property types as of the end of the taxable year.

(3) Revenue Form 61A200(B), "Report of Kentucky Vehicles, Car Lines and Watercraft", shall be filed by public service companies with the Department of Revenue, reporting the assessed value of all Kentucky apportioned and regular licensed motor vehicles, railroad car lines and commercial watercraft as of the end of the year.

(4) Revenue Form 61A200(C), "Report of Total Unit Operations Balance Sheet", shall be filed by public service companies with the Department of Revenue, reporting a financial statement (balance sheet) as of December 31 for the system operating unit including Kentucky.

(5) Revenue Form 61A200(D), "Report of Total Unit Operations Income Statement", shall be filed by public service companies with the Department of Revenue, reporting a financial statement (income statement) for 12 months ending December 31 for the system operating unit including Kentucky.

(6) Revenue Form 61A200(E), "Filing Extension Application", shall be used by public service companies to request an extension of time to file the public service company tax return.

(7) Revenue Form 61A200(G), "Report of Capital Stocks", shall be filed by public service companies with the Department of Revenue, reporting an analysis of their capital stocks as of the end of the taxable year.

(8) Revenue Form 61A200(H), "Report of Funded Debt", shall be filed by public service companies with the Department of Revenue reporting an analysis of their debt as of the end of the taxable year.

(9) Revenue Form 61A200(I), "Business Summary by Taxing Jurisdiction", shall be filed by public service companies with the Department of Revenue, reporting a summary of the business activity within each taxing district.

(10) Revenue Form 61A200(J), "Property Summary by Taxing Jurisdiction, Operating and Nonoperating Property", shall be filed by public service companies with the Department of Revenue reporting a summary of the amount of operating and nonoperating property owned or leased in this state, by each county, city and special district.

(11) Revenue Form 61A200(K), "Operating Property Listing by Taxing Jurisdiction", shall be filed by public service companies with the Department of Revenue, reporting an inventory of the amount and kind of operating property, owned or leased, located in this state, for each county, city and special taxing district.

(12) Revenue Form 61A200(K2), "Nonoperating/Nonutility Property Listing by Taxing Jurisdiction", shall be filed by public service companies with the Department of Revenue reporting an inventory of the amount and kind of nonoperating property owned or leased, located in this state, for each county, city and special taxing district.

(13) Revenue Form 61A200(L), "Report of Allocation Factors, Operating and Noncarrier Property for All Interstate Companies", shall be filed by interstate, noncarrier, public service companies with the Department of Revenue, reporting property and business factors in total and for the state of Kentucky.

(14) Revenue Form 61A200(M), "Report of Property and Business Factors for Interstate Railroad and Sleeping Car Companies", shall be filed by interstate railroad and sleeping car companies with the Department of Revenue, reporting property and business factors in total and for the state of Kentucky.

(15) Revenue Form 61A200(N), "Report of Leased Real Property, Kentucky Operating Leases", shall be filed by public service companies with the Department of Revenue, reporting all leased property and the terms of the lease.

(16) Revenue Form 61A200(O), "Railroad Private Car Mileage Report", shall be filed by railroad car line companies with the Department of Revenue reporting the name and address of the company and the mileage in Kentucky.

(17) Revenue Form 61A200(Q), "Supplemental Report of Operations for Contained and Residential Landfills", shall be filed by landfills with the Department of Revenue, reporting historic, current, and projected operational information.

(18) Revenue Form 61A200(R), "Report of Property Subject to the Pollution Control Tax Exemption", shall be filed by public service companies with the Department of Revenue, reporting certified pollution control equipment, the original cost and the net book value.

(19) Revenue Form 61A200(S), "Filing Requirements for Commercial Passenger and Cargo Airlines", shall be filed by passenger

and cargo airline companies with the Department of Revenue, reporting statistical information about all owned and leased aircraft

(20) Revenue Form 61A200(U), "Industrial Revenue Bond Property", shall be filed by a public service company to list real and tangible personal property purchased with an industrial revenue bond.

(21) Revenue Form 61A202, "2008[2007] Public Service Company Property Tax Return for Railroad Car Line" shall be filed by railroad car line companies with the Department of Revenue, classifying the railcars by type and reporting cost, age, and mileage for each railcar.

(22) Revenue Form 61A207(P), "Commercial[, "2007 Nonresident] Watercraft Personal Property Tax Return 2008", contains Revenue Form 61A207 and filing instructions for all commercial[shall be filed by][nonresident] watercraft owners, both resident and nonresident [which do not fall under the filing requirements of KRS 136.120][with the Department of Revenue], reporting the watercraft's book value, original cost and total and Kentucky route mileage with the Department of Revenue.

(23) Revenue Form 61A207(A), "Report of Owned Vessels in Your Possession" shall be filed with the Department of Revenue, reporting all owned vessels (both available and operating) in their fleet as of January 1, 2008

(24) Revenue Form 61A207(B), "Report of Owned Vessels in Possession of Others" shall be filed with the Department of Revenue, reporting all owned vessels that are in possession of other persons, companies, corporations, operators, charterers as of January 1, 2008.

(25) Revenue Form 61A207(C), "Report of Nonowned Vessels in Your Possession" shall be filed with the Department of Revenue, reporting all nonowned vessels (both available and operating) in their fleet as of January 1, 2008.

(26) Revenue Form 61A207(D), "Valuation Worksheet" shall be filed with the Department of Revenue, reporting the original cost, cost of rebuilds and the cost of major improvements of all owned and nonowned vessels

(27) Revenue Form 61A207(E), "Kentucky Route Miles" shall be filed with the Department of Revenue reporting the system route miles traveled on Kentucky waterways

(28) Revenue Form 61A207(F), "Report of System Route Miles" shall be filed with the Department of Revenue reporting the system route miles traveled on United States waterways

(29)[(23)] Revenue Form 61A209, "Public Service Company Sales", shall be filed by public service companies with the Department of Revenue, reporting any full or partial sale or purchase of assets of the public service company.

(30)[(24)] Revenue Form 61A211, "Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs" shall be filed by public service companies with the Department of Revenue reporting all motor vehicles owned or leased within Kentucky.

(31)[(25)] Revenue Form 61A211(I), "Instructions for Enclosed Form 61A211", shall provide instructions for completing "Revenue Form 61A211, Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs".

(32)[(26)] Revenue Form 61A230, "Notice of Assessment", shall be sent by the Department of Revenue to the taxpayer notifying him of the final assessment of the public service company property.

(33)[(27)] Revenue Form 61A240, "Notice of Assessment", shall be sent by the Department of Revenue notifying him of a tentative assessment of the public service company property. This notice shall inform the taxpayer of the protest period.

(34)[(28)] Revenue Form 61A250, "Notice of Assessment", shall be sent by the Department of Revenue notifying the taxpayer of his claim of assessed value on public service company property.

(35)[(29)] Revenue Form 61A255, "Public Service Company Property Tax Statement", shall be used by the counties, schools and special districts to bill public service companies for local property taxes.

(36) Revenue Form 61A255(I), "Instructions for 61A255 Public Service Company Property Tax Statement", shall provide instructions for completing Revenue Form 61A255, "Public Service Company Property Tax Statement".

(37)[(30)] Revenue Form 61A500(P), "2008[2007 Tangible] Personal Property Tax Forms and Instructions[Return] for Communication Service Providers and Multichannel Video Program Service Providers", contains Revenue Form 61A500 and filing instructions for[shall be filed by] telecommunication, satellite, and cable television companies[with the Department of Revenue], reporting all tangible personal property with the Department of Revenue.

(38)[(31)] Revenue Form 61A500(H), "Report of Total Personal Tangible Property in Kentucky", shall be filed by telecommunication, satellite, and cable television companies with the Department of Revenue, summarizing the Kentucky original cost, depreciation, and net book value of each class of tangible personal property.

(39)[(32)] Revenue Form 61A500(I), "Summary of Gross Personal Tangible Property Listing by Taxing District", shall be filed by telecommunication, satellite, and cable television companies with the Department of Revenue, summarizing the Kentucky Original Cost by taxing jurisdiction.

(40)[(33)] Revenue Form 61A500(J), "Summary of Reported Personal Tangible Property Listing by Taxing District", shall be filed by telecommunication, satellite, and cable television companies with the Department of Revenue, summarizing the Kentucky reported value by taxing jurisdiction.

(41)[(34)] Revenue Form 61A500(K), "Personal Tangible Property Listing by Taxing District", shall be filed by telecommunication, satellite and cable television companies with the Department of Revenue and shall contain an inventory of the amount and kind of personal property owned and located in Kentucky by taxing jurisdiction.

(42)[(35)] Revenue Form 61A507, "Nonresident Watercraft Property Tax Statement", shall be used by county clerks and local tax jurisdictions to bill assessments of nonresident watercraft personal property.

(43)[(36)] Revenue Form 61A508, "Annual Report of Distilled Spirits in Bonded Warehouse", shall be filed by distilleries with the Department of Revenue to report inventory as of January 1.

(44)[(37)] Revenue Form 61A508-S1, "Schedule 1 Department of Property Valuation Cost of Production Schedule", shall be filed by distilleries with the Department of Revenue, reporting the average cost per gallon of production.

(45)[(38)] Revenue Form 61A508-S2, "Schedule 2 Department of Property Valuation Storage Cost Schedule", shall be filed by distilleries with the Department of Revenue, reporting average per barrel storage cost.

(46)[(39)] Revenue Form 61A508-S3, "Schedule 3 Schedule of Bulk Sales", shall be filed by distilleries with the Department of Revenue, reporting the date of the sale or purchase, the number of barrels, age, and the price.

(47)[(40)] Revenue Form 61A508-S4, "Schedule 4", shall be filed by distilleries with the Department of Revenue, reporting the fair cash value of bulk inventory summarized on Form 61A508[for case goods and other inventory reported on Form 61A508].

(48) Revenue Form 61A508-S5, "Schedule 5", shall be filed by distilleries with the Department of Revenue, reporting the fair cash values of case goods summarized on Form 61A508.

(49)[(41)] Revenue Form 61A509, "Distilled Spirits or Telcoms Property Tax Statement", shall be used by county clerks and local tax jurisdictions to bill assessments of distilled spirits and telecom personal property.

(50)[(42)] Revenue Form 61F007, "Notification for Protesting Your Assessment (Commercial Watercraft)", shall inform taxpayers of the protest procedures on Commercial Watercraft assessments.

(51)[(43)] Revenue Form 61F008, "Notification for Protesting Your Assessment (Railroad Car Lines)", shall inform taxpayers of the protest procedures on Railroad Car Line assessments

(52)[(44)] Revenue Form 61F009, "Notification for Protesting Your Assessment", shall inform taxpayers of the protest procedures on Public Service Company Property Tax assessments.

(53)[(45)] Revenue Form 61F010, "Notification for Protesting Your Assessment (Distilled Spirits)", shall inform taxpayers of the protest procedures on Distilled Spirits assessments.

(54)[(46)] Revenue Form 62A007, "Motor Vehicle Tax and/or Registration Renewal Notice" shall be issued by the Department of Revenue to notify motor vehicle owners of their ad valorem property tax liabilities and registration renewal deadline.

(55)[~~(47)~~] Revenue Form 62A007S, "Motor Vehicle/Boat Property Tax Notice - Second Notice" shall be issued by the Department of Revenue to notify motor vehicle and boat owners of their delinquent ad valorem property tax liabilities.

(56)[~~(48)~~] Revenue Form 62A008, "Motor Vehicle Tax Notice" shall be issued by the Department of Revenue to notify motor vehicle owners of their ad valorem property tax liabilities.

(57)[~~(49)~~] Revenue Form 62A009, "Map Sales Invoice", shall be provided to the customer by the Department of Revenue as a receipt for payment of maps purchased.

(58)[~~(50)~~] Revenue Form 62A010, "Notice for Boat Transfer", shall be issued to January 1 owners of boats transferred during the calendar year informing them of the ad valorem tax due on the transferred boat.

(59)[~~(51)~~] Revenue Form 62A013, "Application for Assessment Moratorium Certificate", shall be filed by property owners seeking an assessment moratorium on qualifying existing property undergoing repair, rehabilitation or restoration. The form shall be filed with the proper administrating agency of the county in which the property is located, thirty (30) days prior to restoration or repair.

(60)[~~(52)~~] Revenue Form 62A015, "Motor Vehicle and Watercraft Property Tax Rate Certification", shall be submitted annually to the Department of Revenue by motor vehicle and watercraft taxing jurisdictions to certify the rates established by the taxing jurisdiction for motor vehicles and watercraft.

(61)[~~(53)~~] Revenue Form 62A016, "Quietus", shall be issued by the Department of Revenue to certify that a county clerk is in good standing with regard to the conduct of ad valorem property tax collection duties.

(62)[~~(54)~~] Revenue Form 62A017, "County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills", shall be completed by the Department of Revenue and county clerk to certify the total number of motor vehicle and boat accounts for a given county and determine the county clerk's compensation for making tax bills.

(63)[~~(55)~~] Revenue Form 62A018, "School Taxing Jurisdiction - Motor Vehicle and Watercraft Property Tax Rate", shall be completed by the Department of Revenue to list the motor vehicle and watercraft property tax rates for each school taxing jurisdiction.

(64)[~~(56)~~] Revenue Form 62A019, "Distributions of Ad Valorem Tax to the Fiscal Courts", shall be completed by the Department of Revenue to list the fiscal year ad valorem property tax distributions to the various county fiscal courts.

(65)[~~(57)~~] Revenue Form 62A020, "Intercounty Property Tax Collections", shall be completed by the Department of Revenue to list distributions of ad valorem property tax made to individual taxing jurisdictions.

(66)[~~(58)~~] Revenue Form 62A023, "Application for Exemption from Property Taxation", shall be filed by organizations, other than institutions of religion seeking a property tax exemption under Ky. Const. Sec. 170. This form shall be filed with the Department of Revenue.

(67)[~~(59)~~] Revenue Form 62A023-R, "Application for Exemption from Property Taxation for Religious Organizations" shall be filed by institutions of religion seeking a property tax exemption under Ky. Const. Sec. 170. This form shall be filed with the Department of Revenue.

(68)[~~(60)~~] Revenue Form 62A030, "Request for Reproduction of PVA Public Records", shall be submitted to request copies of documents required to be retained by the PVA.

~~(69)[(61) Revenue Form 62A037, "Mail-Back Card Department of Property Valuation", shall be filed by property owners, other than the owners of mobile homes, to report information regarding their property to the Department of Revenue in order to ensure assessment quality.~~

~~(62) Revenue Form 62A039, "Mail-Back Card Department of Property Valuation for Mobile Manufactured Home", shall be filed by owners of mobile homes to report information regarding their property to the Department of Revenue in order to ensure assessment quality.~~

~~(63)~~] Revenue Form 62A044, "Affidavit for Correction/Exoneration of Motor Vehicle/Boat Property Tax", shall be completed by the owner of a vehicle or boat, at the property valuation administrator's office in order to correct owner or vehicle/boat information in the ad valorem tax computer system. The PVA shall present the form to the county clerk when a tax refund is authorized.

(70)[~~(64)~~] Revenue Form 62A200(P), "2008[~~2007~~] Unmined Coal Property Tax Information Return", contains Revenue Form 62A200 and filing instructions for[~~shall be filed by~~] owners or lessees of unmined minerals[~~with the Department of Revenue~~], reporting filer information with the Department of Revenue.

(71)[~~(65)~~] Revenue Form 62A200, "Schedule A Fee Property Ownership", shall be filed by owners or lessees of unmined minerals with the Department of Revenue, reporting ownership information for each parcel or royalty information for each leased parcel.

(72)[~~(66)~~] Revenue Form 62A200, "Schedule B Mineral Property Ownership (Coal Only)", shall be filed by owners or lessees of unmined coal with the Department of Revenue, reporting ownership information for each parcel or royalty information for each leased parcel.

(73)[~~(67)~~] Revenue Form 62A200, "Schedule C Leased Property", shall be filed by all lessees and sublessees with the Department of Revenue, reporting a property schedule for each parcel leased from another party and outlined on the lessee map.

(74)[~~(68)~~] Revenue Form 62A200, "Schedule D Property or Stock Transfers" shall be filed by both purchasers and sellers of unmined mineral property, with the Department of Revenue, reporting details of the transaction.

(75)[~~(69)~~] Revenue Form 62A200, "Schedule E Lease Terminations, Transfers or Assignments", shall be filed by lessors or lessees of unmined minerals, with the Department of Revenue, reporting the parcel number, date lease was terminated and the reason for termination.

(76)[~~(70)~~] Revenue Form 62A200, "Schedule F Farm Exception to Unmined Minerals Tax", shall be filed by surface owners, who own the mineral rights in their entirety and are engaged primarily in farming, to be excepted from the unmined minerals tax.

(77)[~~(71)~~] Revenue Form 62A200, "Schedule G Geological Information by County", shall be filed by owners or lessees of unmined minerals, with the Department of Revenue, reporting exploration and analytical information.

(78)[~~(72)~~] Revenue Form 62A302, "Request for Information for Local Board of Tax Appeals", shall be filed by taxpayers with the property valuation administrator, if appealing their assessment on real property.

(79)[~~(73)~~] Revenue Form 62A304, "Property Valuation Administrator's Recapitulation of Real Property Tax Roll", shall be filed by the property valuation administrator by the first Monday in April, showing a recapitulation of property assessments by type of property and by taxing district. This form shall also be known as "first recap".

(80)[~~(74)~~] Revenue Form 62A305, "Property Valuation Administrator's Summary of Real Property Tax Roll Changes" shall be filed by the property valuation administrator within six (6) days of the conclusion of the real property tax roll inspection period, showing all changes made since the submission of Revenue Form 62A304. This form shall also be known as "final recap" or "second recap".

(81)[~~(75)~~] Revenue Form 62A307, "Property Owner Conference Record", shall be used by the property valuation administrator to document a property owner's appeal conference. The property owner or his representative shall be asked to sign the record and shall be given a copy of the record.

(82)[~~(76)~~] Revenue Form 62A323, "Record of Additions and Deletions", shall be used by the PVA to report all real property additions and deletions for a particular assessment year.

(83)[~~(77)~~] Revenue Form 62A329, "Annual Report of Domestic Life Insurance Companies", shall be filed by life insurance companies doing business in Kentucky, with the Department of Revenue, reporting the fair cash value of the company's intangible property, both taxable and exempt, and the aggregate amount.

(84)[~~(78)~~] Revenue Form 62A350, "Application for Exemption Under the Homestead/Disability Amendment", shall be filed by property owners seeking an exemption from property taxes under Ky. Const. Sec. 170. This application shall be filed with the property valuation administrator of the county in which the residential unit is located.

(85)[~~(79)~~] Revenue Form 62A352, "Notice to Real Property

Owner of Assessment by Property Valuation Administrator", shall be mailed to the property owner by the property valuation administrator notifying him of the assessment amount and of his appeal rights.

(86)[(~~80~~)] Revenue Form 62A353, "Notice of Listing of Omitted Real Property", shall be mailed by the property valuation administrator to the property owner. This document shall notify the property owner that his omitted property has been listed and assessed and of his appeal rights.

(87)[(~~81~~)] Revenue Form 62A354, "Notice to Property Owner of Final Decision of Board of Assessment Appeals", shall be sent from the Board of Assessment Appeals to the property owner to inform him of their ruling.

(88)[(~~82~~)] Revenue Form 62A359, "Sheriff's Report of Tax Claims Purchased for Taxing Districts", shall be used by the sheriffs to report delinquent real estate tax bills that were purchased by the sheriff on behalf of the taxing districts.

(89)[(~~83~~)] Revenue Form 62A359-A, "Certification", shall be used by the sheriff to affirm that the list of delinquent real estate tax bills is accurate.

(90)[(~~84~~)] Revenue Form 62A360, "Order Correcting Erroneous Assessment", shall be issued to the collection agency (county sheriff or clerk) and taxpayer correcting an erroneous mineral property tax assessment.

(91)[(~~85~~)] Revenue Form 62A362, "Sheriff's Report of Delinquent Taxpayers", shall be used by the sheriff to report delinquent tangible property tax bills.

(92)[(~~86~~)] Revenue Form 62A362-A, "Certification", shall be used by the sheriff to affirm that the list of delinquent tangible property tax bills is accurate.

(93) Revenue Form 62A363, "County Clerk's Claim for Preparing Tax Bills", shall be submitted by the county clerk in order to receive payment for each property tax bill prepared, with one-half (1/2) paid out of the county treasury and one-half (1/2) paid out of the State Treasury.

(94)[(~~87~~)] Revenue Form 62A363-B, "County Clerk's Claim for Preparing Omitted Tax Bills", shall be submitted by the county clerk in order to receive payment of one (1) dollar for each omitted property tax bill prepared, with one-half (1/2) paid out of the county treasury and one-half (1/2) paid out of the State Treasury.

(95) Revenue Form 62A364, "County Clerk's Monthly Report of Omitted Assessments", must be used by the county clerk to report omitted assessments made by the property valuation administrator.

(96)[(~~88~~)] Revenue Form 62A365, "Nonresidency Affidavit", shall be filed as proof of nonresidency in Kentucky as of January 1, for ad valorem tax purposes.

(97)[(~~89~~)] Revenue Form 62A366, "Order Correcting Erroneous Assessment", shall be filed by the property valuation administrator with the sheriff, to correct an error made in an assessment of property.

(98)[(~~90~~)] Revenue Form 62A366-D, "Order Correcting Erroneous Delinquent Assessment", shall be filed by the property valuation administrator with the sheriff, to correct an error made in a delinquent assessment of property.

(99)[(~~91~~)] Revenue Form 62A366-R, "Exoneration Form for Property Tax Refund", shall be filed a by taxpayer for refunds of property tax.

(100)[(~~92~~)] Revenue Form 62A367, "Authorization for Preparing Additional/Supplemental Property Tax Bills", shall be used by a property valuation administrator to prepare additional or supplemental tax bills.

(101)[(~~93~~)] Revenue Form 62A367-A, "Instructions for Preparation of Additional/Supplemental Tax Bills and Official Receipt", shall be provided to assist the PVA with the preparation of additional or supplemental tax bills.

(102)[(~~94~~)] Revenue Form 62A368-A, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue delinquent property tax collections for the 1997 tax year only.

(103)[(~~95~~)] Revenue Form 62A368-B, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue delinquent property tax collections for tax years after 1997.

(104)[(~~96~~)] Revenue Form 62A369, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue delinquent property tax collections for the 1996 and earlier tax years.

(105) Revenue Form 62A369-A, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue state commission from delinquent property tax collections.

(106)[(~~97~~)] Revenue Form 62A372, "Sheriff's List of Orders Correcting Erroneous Assessments", shall be used by the sheriff to report all exonerations made to the tax bills by the property valuation administrator.

(107)[(~~98~~)] Revenue Form 62A372-A, "Certification", shall be used by the sheriff to affirm that the list of exonerations is accurate.

(108)[(~~99~~)] Revenue Form 62A378, "Report of Location of Mobile Homes", shall be filed by every person providing rental space for mobile homes and house trailers. This form shall be filed with the property valuation administrator of the county in which the park is located.

(109)[(~~100~~)] Revenue Form 62A379, "Listing of Omitted Real Property", shall be used by a taxpayer to voluntarily list any property previously omitted from the tax roll or shall be used by a property valuation administrator to list any involuntary omitted property.

(110)[(~~101~~)] Revenue Form 62A384C, "Clay Property Tax Return", shall be filed with the Department of Revenue by persons owning or leasing clay property, reporting the owner's name and address, percent ownership, product tons, and royalty rate.

(111)[(~~102~~)] Revenue Form 62A384C-(I), "Instructions to Complete Clay Property Tax Return for 2008[~~2007~~] Tax Year", shall be used by owners and lessees of land containing mineable clay minerals to file Revenue Form 62A384.

(112)[(~~103~~)] Revenue Form 62A384-G, "Natural Gas Property Tax Return", shall be filed with the Department of Revenue by persons owning or leasing developed natural gas properties, reporting the location of the property, total yearly gas production, number of producing wells, and the total dollar value of production.

(113)[(~~104~~)] Revenue Form 62A384-G/O(I) "Instructions for Gas and Oil Property Tax Returns", shall be provided to filers of gas and oil property tax returns instructing filers of the acceptable method of completing the gas and oil property tax return.

(114)[(~~105~~)] Revenue Form 62A384L, "Limestone and Sand and Gravel Property Tax Return", shall be filed with the Department of Revenue by persons owning or leasing limestone, sand or gravel properties reporting mineral location, type of mining and production in the last three (3) years.

(115)[(~~106~~)] Revenue Form 62A384-O, "Oil Property Tax Return Lease Report", shall be filed with the Department of Revenue by all persons, corporations, businesses and partnerships owning, leasing or having knowledge of developed oil properties to report developed oil property in Kentucky.

(116)[(~~107~~)] Revenue Form 62A385, "Sheriff's Official Receipt for Property Tax Bills", shall be used by sheriffs to acknowledge receipt of the county's property tax bills and to document the total tax amount to be collected for each taxing district.

(117)[(~~108~~)] Revenue Form 62A385-A, "Sheriff's Receipt For Unpaid And Partially Paid Tax Bills", shall be used by incoming sheriffs to give receipt to the outgoing sheriff for the unpaid and partially paid tax bills outstanding when he assumes office.

(118) Revenue Form 62A393, "Sheriff's Property Tax Account Statement", shall be used by the Department of Revenue to conduct the annual property tax settlement with the sheriff.

(119) Revenue Form 62A393-A, "Incoming Sheriff's Property Tax Account Statement", shall be used by the Department of Revenue to conduct the property tax settlement with the incoming sheriff.

(120) Revenue Form 62A393-B, Outgoing Sheriff's Property Tax Account Statement", shall be used by the Department of Revenue to conduct the property tax settlement with the outgoing sheriff.

(121)[(~~109~~)] Revenue Form 62A394, "Sheriff's Monthly Report of Property Tax Collections", shall be used by sheriffs to report to the Department of Revenue property tax collections for the month.

(122)[(~~110~~)] Revenue Form 62A394-MV, "County Clerk's Monthly Report of Motor Vehicle Property Tax Collections", shall be submitted by the county clerk to the Department of Revenue

and local taxing jurisdictions to report ad valorem property tax collections for the month.

(123)[~~(111)~~] Revenue Form 62A398, "Property Valuation Administrator's Bond", shall be completed by Property Valuation Administrators evidencing surety with the Commonwealth and a local school board and affirming a commitment to fulfill the duties of the office.

(124)[~~(112)~~] Revenue Form 62A399, "Notice To Appear in Circuit Court", shall be served to a person who is indebted to another person who has a delinquent tax liability.

(125)[~~(113)~~] Revenue Form 62A400, "Notice of Distraint", shall be sent by the sheriff to notify persons in possession of personal property belonging to a delinquent taxpayer that this property is subject to distraint in order to settle the tax liability

(126)[~~(114)~~] Revenue Form 62A401, "Final Notice Before Distraint", shall be sent by the sheriff to the owner of real and personal property omitted from the tax roll.

(127)[~~(115)~~] Revenue Form 62A405, "Notice of Sale of Tax Bill", shall be sent by the county attorney to the owner of real property to notify that a certificate of delinquency has been issued against the property.

(128)[~~(116)~~] Revenue Form 62A500(P), "2008[~~2007 Tangible~~] Personal Property Tax Forms and Instructions[~~Return~~]", contains Revenue Form 62A500 and filing instructions for[~~shall be filed by~~] owners or lessees of tangible personal property[~~, with either the property valuation administrator of the county of taxable situs or with the Department of Revenue,~~] reporting taxpayer information, original cost of tangible property and reported value of tangible property with either the property valuation administrator of the county of taxable situs or with the Department of Revenue.

(129)[~~(117)~~] Revenue Form 62A500-A, "2008[~~2007~~] Tangible Personal Property Tax Return (Aircraft Assessments Only)", shall be filed by owners or lessees of aircraft not used for commercial purposes, with either the property valuation administrator of the county of taxable situs or with the Department of Revenue, reporting the federal registration number, make and model, and taxpayer's value for each aircraft.

(130)[~~(118)~~] Revenue Form 62A500-C, "Consignee Tangible Personal Property Tax Return", shall be filed by persons in possession of consigned inventory, that has not been reported on Revenue Form 62A500, with either the property valuation administrator of the county of taxable situs or the Department of Revenue, reporting consignor information and consigned inventory information.

(131)[~~(119)~~] Revenue Form 62A500-L, "Lessee Tangible Personal Property Tax Return", shall be filed by lessees of tangible personal property who did not list the property on Revenue Form 62A500, with either the property valuation administrator of the county of taxable situs or with the Department of Revenue, reporting lessor information and equipment information.

(132)[~~(120)~~] Revenue Form 62A500-S1, "Dealer's Inventory Listing for Line 34 Tangible Personal Property Tax Return", shall be filed by automobile dealers, dealers with new boat and marine equipment held under a floor plan or dealers with new farm machinery held under a floor plan with the Property Valuation Administrator of each county of taxable situs or with the Department of Revenue, containing a detailed listing of property reported on line 34 of the Tangible Personal Property Tax Return.

(133)[~~(121)~~] Revenue Form 62A500-W, "2008[~~2007~~] Tangible Personal Property Tax Return (Documented Watercraft)", shall be filed by owners or lessees of documented vessels not used for commercial purposes, with either the property valuation administrator of the county of taxable situs or with the Department of Revenue, reporting the coast guard number, make and model and taxpayer's value for each watercraft.

(134)[~~(122)~~] Revenue Form 62A600, "Domestic Savings and Loan Tax Return", shall be filed with the Department of Revenue by savings and loans operating solely in Kentucky, reporting the balances in their capital accounts.

(135)[~~(123)~~] Revenue Form 62A601, "Foreign Savings and Loan Tax Return", shall be filed with the Department of Revenue by foreign savings and loans authorized to do business in this state, reporting the balances in their capital accounts.

(136)[~~(124)~~] Revenue Form 62A601-S2, "Schedule B, Computation of Exempt Securities", shall be filed with the Department of Revenue, by taxpayers filing Revenue Form 62A600 or 62A601, reporting the market value of U. S. government securities

(137)[~~(125)~~] Revenue Form 62A850, "Bank Deposits Tax Return", shall be filed with the Department of Revenue by financial institutions, reporting the amount of its deposits as of the preceding January 1.

(138)[~~(126)~~] Revenue Form 62A862, "Certification of Tax Rate for Bank Deposits Franchise Tax", shall be filed by the local taxing district with the Department of Revenue to notify the Department of Revenue of the rate set on bank deposits.

(139)[~~(127)~~] Revenue Form 62A863, "Financial Institutions Local Deposits Summary Report", shall be filed with the Department of Revenue, by financial institutions, reporting all deposits located within the state as of the preceding June 30, along with a copy of the most recent summary of deposits filed with the Federal Deposit Insurance Corporation.

(140)[~~(128)~~] Revenue Form 62A863-A, "Schedule A, Summary of Deposits", shall be filed with the Department of Revenue, by financial institutions filing Revenue Form 62A863, to summarize deposits.

(141) [~~(129) Revenue Form 62A872, "Intangible Property Assessment Notice for Prepayment of Estates", shall be sent by the Department of Revenue to the taxpayer notifying him of the assessed value of intangible property in the settlement of an estate.~~

~~(130)~~] Revenue Form 62A880, "Personal Property Assessment", shall be sent by the Department of Revenue to the owner of omitted personal property notifying him of the value assessed by the department as well as all applicable penalties and interest.

(142)[~~(131)~~] Revenue Form 62B003, "Unmined Coal Notice of Tax Assessment", shall be sent by the Department of Revenue to the taxpayer notifying him of the value of his interest in unmined coal property.

(143)[~~(132)~~] Revenue Form 62B011, "2007[~~2006~~] Limestone, Sand, or Gravel Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him of the value of his interest in limestone, sand or gravel property.

(144)[~~(133)~~] Revenue Form 62B012, "2007[~~2006~~] Oil Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him of the value of his interest in oil property.

(145)[~~(134)~~] Revenue Form 62B013, "2007 Clay[~~2006 Property~~] Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him of the value of his interest in clay property.

(146)[~~(135)~~] Revenue Form 62B015, "2007[~~2006~~] Gas Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him of the value of his interest in gas property.

(147)[~~(136)~~] Revenue Form 62F003, "Appeals Process for Real Property Assessments", shall be an informational brochure on the procedure to follow to appeal an assessment on real property.

(148)[~~(137)~~] Revenue Form 62F015, "PVA Open Records Commercial Fee Guidelines", shall be used by the PVA to establish fees to be charged for the cost of reproduction, creation, or other acquisition of records.

(149)[~~(138)~~] Revenue Form 62F020, "Deeds/Transfers and Property Taxes", shall be an informational brochure on Kentucky's property tax system, sales and transfers of property and the requirements for preparing a deed.

(150)[~~(139)~~] Revenue Form 62F031, "Appeal to Local Board of Assessment Appeals", shall be filed with the county clerk by any taxpayer who wishes to appeal his assessment on real property.

(151)[~~(140)~~] Revenue Form 62F1341, "Exemptions Allowed for Savings and Loans, Savings Banks and Similar Institutions for Intangible Property Tax Purposes", shall inform taxpayers, subject to intangible property tax on the value of their capital stock, of those institutions which issue obligations that are exempt from state ad valorem taxation.

Section 2. Severance Taxes - Required Forms. (1) Revenue Form 55A001, "Application for Certificate of Registration for Coal Severers and/or Processors" shall be used by the Department of Revenue to register businesses that sever or process coal.

(2) Revenue Form 55A003, "Certificate of Registration-

Severance Taxes", shall be used by the Department of Revenue to register coal severance taxpayers.

(3) Revenue Form 55A004, "Coal Severance Tax Seller's Certificate", shall be filed by the taxpayer to verify purchase coal deductions.

(4) Revenue Form 55A100, "Coal Tax Return", shall be filed monthly by the taxpayer to report production and tax due.

(5) Revenue Form 55A100, "Part IV & V" - "Schedule IV of Coal Sales (Continuation)", shall be used by the taxpayer to report additional coal sales if there is not room on the return. "Part V, Schedule for Thin Seam Coal Tax Credit", shall be used by the taxpayer to apply for tax credit for underground mining of thin coal seams.

(6) Revenue Form 55A101, "Coal Tax Return Instructions", shall be included with the coal tax return mailed to the taxpayer to assist in the completion of his return.

(7) Revenue Form 55A131, "Credit Memorandum", shall be used by the department to issue a credit to the taxpayer for an overpayment rather than a refund.

(8) Revenue Form 55A209, "Severance Tax Refund Application", shall be used by the taxpayer for the purpose of requesting a refund of tax overpaid.

(9) Revenue Form 56A001, "Application for Certificate of Registration Minerals and Natural Gas Tax", shall be used by persons dealing in minerals, natural gas or natural gas liquids who wish to register with the Department of Revenue to acquire an account number.

(10) Revenue Form 56A100, "Natural Gas and Natural Gas Liquids Tax Return", shall be used by registered natural gas and natural gas liquids taxpayers monthly to report production and tax due.

(11) Revenue Form 56A101, "Minerals Tax Return", shall be used by registered mineral taxpayers monthly to report production and tax due.

(12) Revenue Form 56A106, "Minerals Tax Certificate of Exemption", shall be used by mineral taxpayers to claim exemptions from minerals tax for minerals purchased for the maintenance of a privately maintained but publicly dedicated road.

(13) Revenue Form 56A107, "Schedule A, Allocation of Gross Value of Minerals Severed in Kentucky and Schedule B, Minerals Purchased from Others for Processing by Taxpayer", shall be used by mineral taxpayers to compute gross value of minerals to be allocated and to show the allocation by county of the gross value of minerals severed in Kentucky and also shall be used by a taxpayer for showing minerals that are purchased from others for processing by the taxpayer.

(14) Revenue Form 56A108, "Schedule A, Gross Value of Natural Gas Sold to Nonconsumers and Schedule B, Taxable Gross Value of Natural Gas and Natural Gas Liquids Extracted in Kentucky by Taxpayer - Allocation", shall be used by natural gas taxpayers to show details of all natural gas extracted in Kentucky and sold to nonconsumers and also shall be used by natural gas taxpayers to allocate the natural gas to the county or counties where the natural gas or natural gas liquids were located prior to extraction.

(15) Revenue Form 56A109, "Schedule C, Natural Gas First Purchased by Taxpayer From Kentucky Producers", shall be used by natural gas taxpayers who are first purchasers of natural gas to show gross value by county or counties from which the natural gas was extracted.

(16) Revenue Form 56A110, "Minerals Tax Return Attachment, Schedule C, Computation of Clay Severed and Processed in Kentucky and Allocation of Tax Attributable to Clay", shall be used by mineral taxpayers that sever clay to compute tax due.

(17) Revenue Form 56A112, "Crude Petroleum Transporter's Monthly Report, Kentucky Oil Production Tax", shall be used by registered crude petroleum transporter's for reporting gross value and tax due.

(18) Revenue Form 56A113, "Minerals Tax Credit for Limestone Sold in Interstate Commerce", shall be used by mineral taxpayers for the purpose of determining the eligibility for the minerals tax credit.

(19) Revenue Form 56A114, "Crude Petroleum Transporter's Application for Registration", shall be used by crude petroleum transporters who wish to acquire an account number with the Kentucky Department of Revenue.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Property tax - referenced material.

1. Revenue Form 61A200(P), "Property Tax Forms and Instructions for Public Service Companies 2008"[, ~~"Public Service Company Property Tax Return 2006"~~], November, 2007[~~2006~~];

2. Revenue Form 61A200(A), "Report of Total Unit System and Kentucky Operations", November, 2007[~~2006~~];

3. Revenue Form 61A200(B), "Report of Kentucky Vehicles, Car Lines and Watercraft", November, 2007[~~2006~~];

4. Revenue Form 61A200(C), "Report of Total Unit Operations Balance Sheet", November, 2007[~~2006~~];

5. Revenue Form 61A200(D), "Report of Total Unit Operations Income Statement", November, 2007[~~2006~~];

6. Revenue Form 61A200(E), "Filing Extension Application", November, 2007[~~2006~~],

7. Revenue Form 61A200(G), "Report of Capital Stocks", November, 2007[~~2006~~],

8. Revenue Form 61A200(H), "Report of Funded Debt", November, 2007[~~2006~~],

9. Revenue Form 61A200(I), "Business Summary by Taxing Jurisdiction", November, 2007[~~2006~~];

10. Revenue Form 61A200(J), "Property Summary by Taxing Jurisdiction, Operating and Nonoperating Property", November, 2007[~~2006~~];

11. Revenue Form 61A200(K), "Operating Property Listing by Taxing Jurisdiction", November, 2007[~~2006~~];

12. Revenue Form 61A200(K2), "Nonoperating/Nonutility Property Listing by Taxing Jurisdiction", November, 2007[~~2006~~];

13. Revenue Form 61A200(L), "Report of Allocation Factors, Operating and Noncarrier Property for all Interstate Companies", November, 2007[~~2006~~];

14. Revenue Form 61A200(M), "Report of Property and Business Factors for Interstate Railroad and Sleeping Car Companies", November, 2007[~~2006~~];

15. Revenue Form 61A200(N), "Report of Leased Real Property, Kentucky Operating Leases", November, 2007[~~2006~~];

16. Revenue Form 61A200(O), "Railroad Private Car Mileage Report", November, 2007[~~2006~~];

17. Revenue Form 61A200(Q), "Supplemental Report of Operations for Contained and Residential Landfills", November, 2007[~~2006~~];

18. Revenue Form 61A200(R), "Report of Property Subject to the Pollution Control Tax Exemption", November, 2007[~~2006~~],

19. Revenue Form 61A200(S), "Filing Requirements for Commercial Passenger and Cargo Airlines", November, 2007[~~2006~~];

20. Revenue Form 61A200(U), "Industrial Revenue Bond Property", November, 2007[~~2006~~],

21. Revenue Form 61A202, "2008[~~2007~~] Public Service Company Property Tax Return for Railroad Car Line", November, 2007[~~2006~~];

22. Revenue Form 61A207(P), "Commercial [~~,2007 Nonresident~~] Watercraft Personal Property Tax Return 2008", November, 2007[~~2006~~];

23. Revenue Form 61A207(A), "Report of Owned Vessels in Your Possession", November, 2007;

24. Revenue Form 61A207(B), "Report of Owned Vessels in Possession of Others", November, 2007;

25. 61A207(C), "Report of Nonowned Vessels in Your Possession", November, 2007;

26. 61A207(D), "Valuation Worksheet", November, 2007;

27. 61A207(E), "Report of Kentucky Route Miles", November, 2007;

28. 61A207(F), "Report of System Route Miles", November, 2007;

29 [~~23.~~] Revenue Form 61A209, "Public Service Company Sales", November, 2007[~~2006~~];

30 [~~24.~~] Revenue Form 61A211, "Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs", November, 2007[~~2006~~];

31 [~~25.~~] Revenue Form 61A211(I), "Instructions for Enclosed

Form 61A211", November, 2007[~~2006~~];

32 [~~26.~~] Revenue Form 61A230, "Notice of Assessment", August, 2007[~~2006~~];

33 [~~27.~~] Revenue Form 61A240, "Notice of Assessment", August, 2007[~~2006~~];

34 [~~28.~~] Revenue Form 61A250, "Notice of Assessment", August, 2007[~~2006~~],

35 [~~29.~~] Revenue Form 61A255, "Public Service Company Property Tax Statement", January, 2006;

36. Revenue Form 61A255(I) "Instructions for 61A255, Public Service Company Property Tax Statement" January, 2006,

37.[~~30.~~] Revenue Form 61A500(P), "2008[~~2007 Tangible~~] Personal Property Tax Forms and Instructions[~~Return~~] for Communication Service Providers and Multichannel Video Program Service Providers", November, 2007[~~2006~~];

38.[~~31.~~] Revenue Form 61A500(H), "Report of Total Personal Tangible Property in Kentucky", November, 2007[~~2006~~];

39 [~~32.~~] Revenue Form 61A500(I), "Summary of Gross Personal Tangible Property Listing by Taxing District", November, 2007[~~2006~~];

40 [~~33.~~] Revenue Form 61A500(J), "Summary of Reported Personal Tangible Property Listing by Taxing District", November, 2007[~~2006~~];

41 [~~34.~~] Revenue Form 61A500(K), "Personal Tangible Property Listing by Taxing District:", November, 2007[~~2006~~];

42.[~~35.~~] Revenue Form 61A507, "Nonresident Watercraft Property Tax Statement", January, 2006;

43 [~~36.~~] Revenue Form 61A508, "Annual Report of Distilled Spirits in Bonded Warehouse", November, 2007[~~2005~~];

44 [~~37.~~] Revenue Form 61A508-S1, "Schedule 1 Department of Property Valuation Cost of Production Schedule", November, 2007[~~2005~~];

45 [~~38.~~] Revenue Form 61A508-S2, "Schedule 2 Department of Property Valuation Storage Cost Schedule", November, 2007[~~2005~~];

46.[~~39.~~] Revenue Form 61A508-S3, "Schedule 3 Schedule of Bulk Sales", November, 2007[~~2005~~];

47 [~~40.~~] Revenue Form 61A508-S4, "Schedule 4", November, 2007[~~2005~~];

48. Revenue Form 61A508-S5, "Schedule 5", November 2007;

49.[~~41.~~] Revenue Form 61A509, "Distilled Spirits or Telcoms Property Tax Statement", January, 2006;

50.[~~42.~~] Revenue Form 61F007, "Notification for Protesting Your Assessment (Commercial Watercraft)", August, 2006,

51.[~~43.~~] Revenue Form 61F008, "Notification for Protesting Your Assessment (Railroad Car Lines)", August, 2007[~~2006~~];

52.[~~44.~~] Revenue Form 61F009, "Notification for Protesting Your Assessment", August, 2007[~~2006~~];

53 [~~45.~~] Revenue Form 61F010, "Notification for Protesting Your Assessment (Distilled Spirits)", August, 2007[~~2006~~],

54 [~~46.~~] Revenue Form 62A007, "Motor Vehicle Tax and/or Registration Renewal Notice", 2006;

55 [~~47.~~] Revenue Form 62A007S, "Motor Vehicle/Boat Property Tax - Second Notice", 2006;

56.[~~48.~~] Revenue Form 62A008, "Motor Vehicle Tax Notice", 2006;

57 [~~49.~~] Revenue Form 62A009, "Map Sales Invoice", July, 2006,

58.[~~50.~~] Revenue Form 62A010, "Notice for Boat Transfer", 2006;

59 [~~51.~~] Revenue Form 62A013, "Application for Assessment Moratorium Certificate", September, 1982;

60 [~~52.~~] Revenue Form 62A015, "Motor Vehicle and Watercraft Property Tax Rate Certification", 2008[~~2006~~];

61 [~~53.~~] Revenue Form 62A016, "Quietus", 1999;

62 [~~54.~~] Revenue Form 62A017, "County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills", 1999;

63 [~~55.~~] Revenue Form 62A018, "School Taxing Jurisdiction - Motor Vehicle and Watercraft Property Tax Rate", 1999,

64 [~~56.~~] Revenue Form 62A019, "Distributions of Ad Valorem Tax to the Fiscal Courts", 1999;

65 [~~57.~~] Revenue Form 62A020, "Intercounty Property Tax Collections", 1999;

66.[~~58.~~] Revenue Form 62A023, "Application for Exemption from Property Taxation", December, 2007[~~September, 2005~~],

67 [~~59.~~] Revenue Form 62A023-R, "Application for Exemption from Property Taxation for Religious Organizations", December, 2007[~~September, 2005~~],

68 [~~60.~~] Revenue Form 62A030, "Request for Reproduction of PVA Public Records", February, 2006;

69. [~~61. Revenue Form 62A037, "Mail Back Card Department of Property Valuation", April, 1998,~~

~~62. Revenue Form 62A039, "Mail Back Card Department of Property Valuation for Mobile Manufactured Home", February, 2000,~~

~~63.~~] Revenue Form 62A044, "Affidavit for Correction/Exoneration of Motor Vehicle/Boat Property Tax", December, 2005;

70 [~~64.~~] Revenue Form 62A200(P), "2008[~~2007~~] Unmined Coal Property Tax Information Return", December, 2007[~~2006~~];

71.[~~65.~~] Revenue Form 62A200, "Schedule A Fee Property Ownership", December, 2007[~~2006~~];

72 [~~66.~~] Revenue Form 62A200, "Schedule B Mineral Property Ownership (Coal Only)", December, 2007[~~2006~~];

73 [~~67.~~] Revenue Form 62A200, "Schedule C Leased Property", December, 2007[~~2006~~];

74 [~~68.~~] Revenue Form 62A200, "Schedule D Property or Stock Transfers", December, 2007[~~2006~~];

75 [~~69.~~] Revenue Form 62A200, "Schedule E Lease Terminations, Transfers or Assignments", December, 2007[~~2006~~];

76 [~~70.~~] Revenue Form 62A200, "Schedule F Farm Exception to Unmined Minerals Tax", December, 2007[~~2006~~],

77.[~~71.~~] Revenue Form 62A200, "Schedule G Geological Information by County", December, 2007[~~2006~~];

78.[~~72.~~] Revenue Form 62A302, "Request for Information for Local Board of Tax Appeals", September, 2005;

79.[~~73.~~] Revenue Form 62A304, "Property Valuation Administrator's Recapitulation of Real Property Tax Roll", December, 2007[~~August, 2005~~];

80 [~~74.~~] Revenue Form 62A305, "Property Valuation Administrator's Summary of Real Property Tax Roll Changes", December, 2007[~~August, 2005~~];

81 [~~75.~~] Revenue Form 62A307, "Property Owner Conference Record", September, 2005;

82.[~~76.~~] Revenue Form 62A323, "Record of Additions and Deletions", December, 2007[~~August, 2005~~];

83 [~~77.~~] Revenue Form 62A329, "Annual Report of Domestic Life Insurance Companies", November, 2007[~~September, 2004~~];

84 [~~78.~~] Revenue Form 62A350, "Application for Exemption Under the Homestead/Disability Amendment", September, 2005;

85.[~~79.~~] Revenue Form 62A352, "Notice to Real Property Owner of Assessment by Property Valuation Administrator", April, 2005;

86.[~~80.~~] Revenue Form 62A353, "Notice of Listing of Omitted Real Property", September, 2005;

87.[~~81.~~] Revenue Form 62A354, "Notice to Property Owner of Final Decision of Board of Assessment Appeals", August, 2006;

88 [~~82.~~] Revenue Form 62A359, "Sheriff's Report of Tax Claims Purchased for Taxing Districts", February, 2006;

89.[~~83.~~] Revenue Form 62A359-A, "Certification", December, 2007[~~February, 2006~~];

90 [~~84.~~] Revenue Form 62A360, "Order Correcting Erroneous Assessment"; January, 2008[~~July, 2006~~];

91 [~~85.~~] Revenue Form 62A362, "Sheriff's Report of Delinquent Taxpayers", February, 2006;

92.[~~86.~~] Revenue Form 62A362-A, "Certification", December, 2007[~~February, 2006~~];

93. Revenue Form 62A363, "County Clerk's Claim for Preparing Tax Bills", December, 2007;

94.[~~87.~~] Revenue Form 62A363-B, "County Clerk's Claim for Preparing Omitted Tax Bills", December, 2007[~~February, 2006~~];

95. Revenue Form 62A364, County Clerk's Monthly Report of Omitted Assessments", February, 2006;

96.[~~88.~~] Revenue Form 62A365, "Nonresidency Affidavit", December, 2007[~~November, 2002~~],

97.[~~89.~~] Revenue Form 62A366, "Order Correcting Erroneous Assessment", September, 2005;

98.[~~90.~~] Revenue Form 62A366-D, "Order Correcting Errone-

ous Delinquent Assessment", December, 2007[~~August, 2005~~];

99.[~~91.~~] Revenue Form 62A366R, "Exoneration Form for Property Tax Refund", September, 2005;

100 [~~92.~~] Revenue Form 62A367, "Authorization for Preparing Additional/Supplemental Property Tax Bills", December, 2007[~~February, 2005~~];

101 [~~93.~~] Revenue Form 62A367-A, "Instructions for Preparation of Additional/Supplemental Tax Bills and Official Receipt", December, 2007[~~September, 2005~~];

102 [~~94.~~] Revenue Form 62A368-A, "County Clerk's Monthly Report of Delinquent Tax Collections", February, 2006;

103 [~~95.~~] Revenue Form 62A368-B, "County Clerk's Monthly Report of Delinquent Tax Collections", February, 2006;

104 [~~96.~~] Revenue Form 62A369, "County Clerk's Monthly Report of Delinquent Tax Collections", February, 2006;

105. Revenue Form 62A369-A, "County Clerk's Monthly Report of Delinquent Tax Collections", February, 2006,

106 [~~97.~~] Revenue Form 62A372, "Sheriff's List of Orders Correcting Erroneous Assessments", February, 2006,

107 [~~98.~~] Revenue Form 62A372-A, "Certification", February, 2006;

108 [~~99.~~] Revenue Form 62A378, "Report of Location of Mobile Homes", September, 2005;

109 [~~100.~~] Revenue Form 62A379, "Listing of Omitted Real Property", December, 2007[~~February, 2006~~];

110 [~~101.~~] Revenue Form 62A384C, "Clay Property Tax Return", January, 2008[~~2007~~];

111 [~~102.~~] Revenue Form 62A384C-(I), "Instructions to Complete Clay Property Tax Return for 2008[~~2007~~] Tax Year", January, 2008[~~2007~~];

112 [~~103.~~] Revenue Form 62A384-G, "Natural Gas Property Tax Return", January, 2008[~~2006~~];

113 [~~104.~~] Revenue Form 62A384-G/O(I), "Instructions for Gas and Oil Property Tax Returns", January, 2008[~~2006~~];

114.[~~105.~~] Revenue Form 62A384L, "Limestone and Sand and Gravel Property Tax Return", January, 2008[~~2006~~];

115 [~~106.~~] Revenue Form 62A384-O, "Oil Property Tax Return Lease Report", January, 2008[~~2006~~];

116 [~~107.~~] Revenue Form 62A385, "Sheriff's Official Receipt for Property Tax Bills", February, 2006;

117 [~~108.~~] Revenue Form 62A385-A, "Sheriff's Receipt for Unpaid and Partially Paid Tax Bills", February, 2006;

118. Revenue Form 62A393, "Sheriff's Property Tax Account Statement", February, 2006;

119. Revenue Form 62A393-A, "Incoming Sheriff's Property Tax Account Statement", February, 2006;

120. Revenue Form 62A393-B, "Outgoing Sheriff's Property Tax Account Statement", February, 2006;

121.[~~109.~~] Revenue Form 62A394, "Sheriff's Monthly Report of Property Tax Collections", February, 2006,

122 [~~110.~~] Revenue Form 62A394-MV, "County Clerk's Monthly Report of Motor Vehicle Property Tax Collections", September, 2007[~~January, 2000~~];

123.[~~111.~~] Revenue Form 62A398, "Property Valuation Administrator's Bond", November, 2006;

124 [~~112.~~] Revenue Form 62A399, "Notice to Appear in Circuit Court", August, 1983;

125 [~~113.~~] Revenue Form 62A400, "Notice of Distraint", August, 1983,

126 [~~114.~~] Revenue Form 62A401, "Final Notice Before Distraint", August, 1983;

127.[~~115.~~] Revenue Form 62A405, "Notice of Sale of Tax Bill", October, 1991;

128 [~~116.~~] Revenue Form 62A500(P), "2008[~~2007 Tangible~~] Personal Property Tax Forms and Instructions[~~Return~~]", November, 2007[~~2006~~];

129 [~~117.~~] Revenue Form 62A500-A, "2008[~~2007~~] Tangible Personal Property Tax Forms and Instructions Return (Aircraft Assessments Only)", November, 2007[~~2006~~];

130.[~~118.~~] Revenue Form 62A500-C, "Consignee Tangible Personal Property Tax Return", November, 2007[~~2006~~];

131.[~~119.~~] Revenue Form 62A500-L, "Lessee Tangible Personal Property Tax Return", November, 2007[~~2006~~];

132 [~~120.~~] Revenue Form 62A500-S1, "Dealer's Inventory Listing for Line 34 Tangible Personal Property Tax Return", October, 2007[~~2005~~];

133 [~~121.~~] Revenue Form 62A500-W, "2008[~~2007~~] Tangible Personal Property Tax Return (Documented Watercraft)", November, 2007[~~2006~~],

134 [~~122.~~] Revenue Form 62A600, "Domestic Savings and Loan Tax Return", November, 2007[~~2006~~];

135 [~~123.~~] Revenue Form 62A601, "Foreign Savings and Loan Tax Return", November, 2007[~~2006~~];

136 [~~124.~~] Revenue Form 62A601-S2, "Schedule B, Computation of Exempt Securities", November, 2007[~~September, 2004~~],

137 [~~125.~~] Revenue Form 62A850, "Bank Deposits Tax Return", November, 2007[~~2006~~];

138 [~~126.~~] Revenue Form 62A862, "Certification of Tax Rate for Bank Deposits Franchise Tax", November, 2007[~~September, 2004~~];

139 [~~127.~~] Revenue Form 62A863, "Financial Institutions Local Deposits Summary Report", November, 2007[~~2006~~],

140 [~~128.~~] Revenue Form 62A863-A, "Schedule A, Summary of Deposits", November, 2007[~~September, 2004~~];

141.[~~129. Revenue Form 62A872, "Intangible Property Assessment Notice for Prepayment of Estates", March, 1999;~~

~~130.~~] Revenue Form 62A880, "Personal Property Assessment", October[~~February~~], 2004;

142 [~~131.~~] Revenue Form 62B003, "Unmined Coal Notice of Tax Assessment", November, 2007[~~July, 2004~~];

143 [~~132.~~] Revenue Form 62B011, "2007[~~2006~~] Limestone, Sand, or Gravel Assessment Notice", July, 2006;

144 [~~133.~~] Revenue Form 62B012, "2007[~~2006~~] Oil Assessment Notice", July, 2006;

145.[~~134.~~] Revenue Form 62B013, "2007[~~2006~~] Clay[~~Property~~] Assessment Notice", July, 2006;

146 [~~135.~~] Revenue Form 62B015, "2007[~~2006~~] Gas Assessment Notice", July, 2006;

147 [~~136.~~] Revenue Form 62F003, "Appeals Process for Real Property Assessments", October, 2007[~~January, 2005~~];

148 [~~137.~~] Revenue Form 62F015, "PVA Open Records Commercial Fee Guidelines", May, 2002;

149 [~~138.~~] Revenue Form 62F020, "Deeds/Transfers and Property Taxes", January, 1999,

150 [~~139.~~] Revenue Form 62F031, "Appeal to Local Board of Assessment Appeals", February, 2006, and

151.[~~140.~~] Revenue Form 62F1341, "Exemptions Allowed for Savings and Loans, Savings Banks and Similar Institutions for Intangible Property Tax Purposes", November, 2007[~~September, 2004~~]; and

(b) Severance taxes - referenced material:

1. Revenue Form 55A001, "Application for Certificate of Registration for Coal Severers and/or Processors", December, 2006;

2. Revenue Form 55A003, "Certificate of Registration - Severance Taxes", December, 2006;

3. Revenue Form 55A004, "Coal Severance Tax Seller's Certificate", January, 2005;

4. Revenue Form 55A100, "Coal Tax Return", July, 2004;

5. Revenue Form 55A100, "Part IV - Schedule of Coal Sales (Continuation)" and "Part V - Schedule for Thin Seam Coal Tax Credit", August, 2005;

6. Revenue Form 55A101, "Coal Tax Return Instructions", August, 2005;

7. Revenue Form 55A131, "Credit Memorandum", December, 2006;

8. Revenue Form 55A209, "Severance Tax Refund Application", December, 2006;

9. Revenue Form 56A001, "Application for Certificate of Registration Minerals and Natural Gas Tax", October, 1984;

10 Revenue Form 56A100, "Natural Gas and Natural Gas Liquids Tax Return", July, 2004;

11. Revenue Form 56A101, "Minerals Tax Return", July, 2004;

12. Revenue Form 56A106, "Minerals Tax Certificate of Exemption", December, 2006;

13. Revenue Form 56A107, "Schedule A, Allocation of Gross Value of Minerals Severed in Kentucky and Schedule B, Minerals Purchased from Others for Processing by Taxpayer", January, 2005,

14. Revenue Form 56A108, "Schedule A, Gross Value of Natural Gas Sold to Nonconsumers and Schedule B, Taxable Gross Value of Natural Gas and Natural Gas Liquids Extracted in Kentucky by Taxpayer - Allocation", March, 2005;

15. Revenue Form 56A109, "Schedule C, Natural Gas First Purchased by Taxpayer from Kentucky Producers", January, 2005;

16 Revenue Form 56A110, "Minerals Tax Return Attachment, Schedule C Computation of Clay Severed and Processed in Kentucky and Allocation of Tax Attributable to Clay", March, 2005;

17. Revenue Form 56A112, "Crude Petroleum Transporter's Monthly Report, Kentucky Oil Production Tax", July, 2004;

18. Revenue Form 56A113, "Minerals Tax Credit for Limestone Sold in Interstate Commerce", November, 1997; and

19 Revenue Form 56A114, "Crude Petroleum Transporter's Application for Registration", December, 2006.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Revenue, 501 High Street[~~200 Fair Oaks Lane~~], Frankfort, Kentucky 40620,[~~or at any Kentucky Department of Revenue Taxpayer Service Center,~~] Monday through Friday, 8 a.m. to 5 p m.

WILLIAM M. COX, Sr., Commissioner

APPROVED BY AGENCY: February 15, 2008

FILED WITH LRC. February 19, 2008 at 10 a m.

CONTACT PERSON: Angela Robinson, Finance and Administration, Room 093 Capital Annex, Frankfort, Kentucky 40601, phone (502) 564-8649, fax (502) 564-3894.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Angela Robinson

(1) Provide a brief summary of.

(a) What this administrative regulation does: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by promulgation of an administrative regulation incorporating the forms by reference This administrative regulation incorporates by reference the required revenue forms used in the administration of Property and Severance Taxes by the Department of Revenue

(b) The necessity of this administrative regulation: This administrative regulation is necessary in order for the Department of Revenue to meet the requirements of KRS 13A.110 which requires that forms required to be submitted by a regulated entity shall be included in an administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference This administrative regulation incorporates by reference the required revenue forms used in the administration of Property and Severance Taxes by the Department of Revenue.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation incorporates by reference the required forms used in the administration of Property and Severance Taxes by the Department of Revenue.

(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: This amendment contains tax forms to be used for tax year 2008.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update tax forms for the tax year 2008.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 131.130(3) authorizes the Department of Revenue to prescribe tax forms necessary for the administration of the tax laws.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide taxpayers with the necessary tax forms to file and pay personal tangible and public service property taxes for tax years beginning in 2008.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All Kentucky taxpayers and their representatives will be affected by the listing of forms administered by the Department of Revenue in an administrative regulation. Local government will be affected to the extent they utilize forms administered by the Department of Revenue The Department of Revenue will be affected to the extent that it administers the referenced forms.

(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: As forms are changed, the manuals and the Department of Revenue Website in which copies of all forms listed in this regulation are maintained will be updated.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional costs will be incurred by complying with the regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All taxpayers and the administering agencies will benefit by having access to a centralized listing of the most current forms in use.

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

(a) Initially: The Department of Revenue will not incur additional cost as the result of this regulation

(b) On a continuing basis: The Department of Revenue will not incur additional costs as the result of this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Department of Revenue agency funds.

(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: This administrative regulation does not require an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or increase any fees either directly or indirectly.

(9) TIERING: Is tiering applied? Tiering was not applied because the requirements of this regulation apply to every taxpayer.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Finance and Administration Cabinet, Department of Revenue, Office of Property Valuation, Division of Local Valuation, Division of State Valuation and Division of Mineral/GIS Services. The division level shall be responsible for the creation and updating of forms.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 131.130(1)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No change.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No change.

(c) How much will it cost to administer this program for the first year? The administrative cost will be absorbed in the normal operating cost of the department.

(d) How much will it cost to administer this program for subse-

quent years? The same administrative cost will be absorbed in the normal operating budget of the department.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

STATEMENT OF EMERGENCY
401 KAR 9:010E

KRS 224.16-050 authorizes the cabinet to certify, pursuant to 33 U.S.C. 1341, that applicants for a federal permit regarding the construction or operation of facilities, which may result in a discharge into the waters of the Commonwealth, shall comply with the applicable provisions of the Federal Water Pollution Control Act. Federal regulations require that applicants for 401 certification provide public notice. There is currently no procedure in Kentucky's administrative regulations or revised statutes establishing a public notice procedure. The time required to promulgate an ordinary administrative regulation is not sufficient to prevent a potential loss of Federal Water Pollution Control Act grant funds. As a result, there is a necessity to pursue an emergency regulation. Allowing public input will also meet the goal of protecting human health and the environment. Currently, with no public notice procedures, the cabinet may be missing key information when making decisions on certifications. The emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.

STEVEN L. BESHEAR, Governor
ROBERT D. VANCE, Secretary

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
Department for Environmental Protection
Division of Water
(New Emergency Administrative Regulation)

401 KAR 9:010E. Section 401 Individual Water Quality Certification public notice.

RELATES TO: KRS 224.01-010, 224.10-100, 224.16-050, 224.16-070, 350.060

STATUTORY AUTHORITY: KRS 224.16-050, 33 U.S.C. 1341

EFFECTIVE DATE: March 3, 2008

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.16-050 authorizes the cabinet to certify pursuant to 33 U.S.C. 1341 that applicants for a federal permit regarding the construction or operation of facilities, which may result in a discharge of dredged or fill material into the waters of the Commonwealth, as defined in KRS 224 01-010(33), shall comply with the applicable provisions of the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq. This administrative regulation establishes the procedures for public notice of Section 401, Individual Water Quality Certifications.

Section 1. Public Notice. (1) The cabinet shall give public notice of receipt of an administratively complete application for a Section 401 Individual Water Quality Certification.

(a) An administratively complete application shall contain the information necessary to allow a meaningful review of the project based on its ments.

1. An applicant for a project relating to surface mining coal operations shall submit the Application for Water Quality Certification for Surface Coal Mining Activities.

2. All other applicants seeking certification shall submit the Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification.

(b) If an application is incomplete, a notice shall be sent to the applicant indicating the areas of the application that are deficient.

(2) Section 401 Individual Water Quality Certification public notices may describe more than one (1) certification or action and may be a part of other public notices under the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq.

Section 2. Methods. (1) The cabinet shall post public notices on its Web site; and

(2) The cabinet shall give public notice by one (1) of the following methods:

(a) By electronically mailing a copy of the notice to the following persons.

1. The applicant; and

2. All persons who have requested copies of Section 401 Individual Water Quality Certification public notices; or

(b) By mailing a copy of the notice to anyone listed in subsection (2)(a)2 of this section who has requested to be notified by standard mail.

Section 3. Content. A public notice shall contain at least the following information:

(1) The name and address of the applicant and, if different, the address or location of the activity regulated by the certification;

(2) The name, address, and telephone number of the applicant or applicant's representative to contact for further information;

(3) A brief description of the comment procedures, including deadlines;

(4) A brief description of the proposed activity and its purpose;

(5) The location of the waters of the Commonwealth affected by the proposed activity; and

(6) The location and availability of the application for public inspection.

Section 4. Public Comment. (1) The public comment period shall expire thirty (30) days from the date of the public notice.

Section 5. Incorporation by reference. (1) The following material is incorporated by reference:

(a) "Application for Water Quality Certification for Surface Coal Mining Activities", Form DNR-WQC, February 2008.

(b) "Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification", January 2004.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Water, 14 Reilly Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4.30 p.m.

ROBERT D. VANCE, Secretary

APPROVED BY AGENCY: February 29, 2008

FILED WITH LRC: March 3, 2008 at 3 p.m.

CONTACT PERSON: Sandy Gruzesky, Division of Water, 14 Reilly Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sandy Gruzesky

(1) Provide a brief summary of.

(a) What this administrative regulation does: This administrative regulation establishes procedures for Section 401 Individual Water Quality Certification public notice.

(b) The necessity of this administrative regulation: 33 U.S.C. sec. 1341 requires that states establish procedures for 401 certification public notice.

(c) How this administrative regulation conforms to the content of the authorizing statutes:n KRS 224.16-050 authorizes the cabinet to certify pursuant to 33 U.S.C. sec. 1341 that applicants for a federal permit for the construction or operation of facilities which may result in a discharge into the waters of the Commonwealth will comply with the applicable provisions of the Federal Water Pollution Control Act. This administrative regulation establishes the procedures for public notice of Section 401 Individual Water Quality certifications.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
There is currently no regulation governing 401 certification public notice. This will establish procedures for public notice.

(2) If this is an amendment to an existing administrative regula-

tion, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not applicable.

(b) The necessity of the amendment to this administrative regulation: Not applicable.

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Cabinet processed approximately 228 individual certifications during the year 2007. This included work proposed by federal government six (6), state government forty-five (45), city/county governments fifteen (15), industrial, commercial, and residential developers ninety (90), coal industry (53), urban and rural residents fifteen (15), and others five (5).

(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: Public notice provisions will be implemented by the cabinet. No additional actions are necessary on the part of the applicant.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):There will be no additional costs to the entity associated with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Potentially impacted individuals, businesses, organizations, and governments will be notified of an applicant's request for 401 certification.

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

(a) Initially: The costs associated with this administrative regulation will be minimal and absorbed by the agency.

(b) On a continuing basis: The costs associated with this administrative regulation will be minimal and absorbed by the agency.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? The costs associated with this administrative regulation will be minimal. Existing funding is a combination of state general fund dollars and federal Clean Water Act Water Pollution Control grant funds.

(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: There will not be an increase in fees associated with this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish fees.

(9) TIERING: Is tiering applied? No. Public notice is required for each applicant for an individual 401 water quality certification.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Each applicant will be required to provide public notice of their application for 401 certification.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 33 U.S.C. 1341 requires that states establish procedures for 401 certification public notice. KRS 224.16-050 and 224.16-070 authorize the cabinet to certify pursuant to 33 U.S.C. 1341 that applicants for a federal permit for the construction or operation of facilities which may result in a discharge into the waters of the Commonwealth will comply with the applicable provisions of the Federal Water Pollution Control Act. This administrative regulation establishes the procedures for public notice of Section 401 Individual Water Quality certifications.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Revenue will not be generated from the implementation of this administrative regulation

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Not applicable.

(c) How much will it cost to administer this program for the first year? The costs associated with this administrative regulation will be minimal and absorbed by the agency.

(d) How much will it cost to administer this program for subsequent years? The costs associated with this administrative regulation will be minimal and absorbed by the agency.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate.
33 U.S C. 1341 requires that states establish procedures for 401 certification public notice.

2. State compliance standards. KRS 224.16-050 and 224.16-070 authorize the cabinet to certify pursuant to 33 U.S C. 1341 that applicants for a federal permit for the construction or operation of facilities which may result in a discharge into the waters of the Commonwealth will comply with the applicable provisions of the Federal Water Pollution Control Act.

3. Minimum or uniform standards contained in the federal mandate. 33 U.S.C. 1341 requires states establish procedures for public notice in the case of all applications for certification. No specific standards are provided in the federal mandate.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

GENERAL GOVERNMENT CABINET
Kentucky Real Estate Commission
(As Amended at ARRS, March 10, 2008)

201 KAR 11:121. Improper conduct.

RELATES TO: KRS 324.010(3), 324.160(4)(f), (l), (m), (o), (w), (v), (5), (7), 24 C.F.R. 3500
STATUTORY AUTHORITY: KRS 324.281(5), 324.282
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324 282 authorizes the Real Estate Commission to promulgate administrative regulations necessary to carry out and enforce the provisions of KRS Chapter 324. This administrative regulation establishes behavior considered improper conduct.

Section 1. The following shall be improper for any licensed agent:

(1) To accept or agree to accept, without written disclosure to the seller and buyer or lessor or lessee on the purchase or lease contract, a referral fee from any person in return for directing a client or customer to that person, or another, who provides or agrees to provide any goods, service, insurance or financing related to a transaction involving real estate. This provision shall not affect paying or receiving referral fees between licensed agents for brokerage services.

[~~(2)(a) To offer, either through advertising, direct contact, or by others, to the general public, any prize, money, free gift, rebate or thing of value, as an inducement, other than the situations listed in paragraph (b) of this subsection.~~

~~(b) It shall not be improper conduct to disseminate information:~~

~~1. About the fee or other compensation the licensed agent agrees to charge for his or her services, or~~

~~2. About inducements offered by the licensed agent's client.~~]

(2)[~~(3)~~] It shall not be improper conduct to **advertise**[~~:~~

~~(a) Advertise~~] the fee or other compensation the licensed agent agrees to charge for his services;

[~~(b) Advertise or distribute goods or services offered by others;~~

~~(c) Distribute marketing materials bearing the name or logo of the licensee or licensee's broker or company including but not limited to, matchbooks, magnets, pens, calculators, umbrellas, or calendars having a cost of not more than ten (10) dollars per item;~~

~~(d) Pay for refreshments or the costs of meals consumed by clients, customers or prospective clients or customers;~~

~~(e) Present any gift that does not exceed a cost of $100 at or after closing to the participants in that closing;~~

~~(f) Offer a prize or free gift at an event such as a fair, trade exposition, or community event so long as such advertising is done only at the specific event and the cost of the prize or free gift does not exceed $500 per event per branch office; or~~

~~(g) Offer, in a one-on-one situation, to provide any thing of value for a client or customer, so long as it is disclosed in writing and signed by the licensee and his or her client or customer.~~]

(3)[~~(4)~~] To refuse or prohibit any prospective purchaser from viewing or inspecting real estate listed for sale or lease with the agent, or with the agent's company, without the written and signed direction of the owner. **This provision shall not**[~~Nothing herein shall~~] be construed to permit otherwise unlawful discrimination.

(4)[~~(5)~~] To fail to satisfy one (1) or more of the following fiduciary duties owed to the licensee's client:

(a) Loyalty;
(b) Obedience to lawful instructions;
(c) Disclosure;
(d) Confidentiality;
(e) Reasonable care and diligence;
(f) Accounting.

(5)[~~(6)~~] To advertise guaranteed sales plan without required disclosure of:

(a) Whether a fee is charged for participation;
(b) Whether the real estate shall meet qualifications for participation;
(c) Whether the purchase price under a guarantee of purchase of the owner's real estate shall be determined by the licensee or a third party; and
(d) Whether the owner of the real estate shall purchase other real estate listed for sale by the licensee or his designee[~~.~~]

1. In print advertising, that the disclosure shall be in letters at least twenty-five (25) percent the size of the largest letters in the advertisement; and
2. In radio advertising, that the disclosure shall be verbal and clearly understandable; and
3. In television advertising, that the disclosure shall:
a Be verbal and clearly understandable; or
b Be written and appearing on the screen at least three (3) seconds for the first line of lettering and one (1) second for each additional line of lettering and in letters:
(i) Which are eighteen (18) video scan lines in size for letters which are all upper case; or
(ii) Which are twenty-four (24) video scan lines in size for upper case capitals when upper case capitals and lower case letters are used.

(6)[~~(7)~~] To violate a statute or administrative regulation governing brokers, sales associates, or real estate transactions.

(7)[~~(8)~~] To serve in the dual capacity of a real estate licensee and loan originator, if the real estate licensee, while acting in that capacity:

(a) Fails to disclose this dual role in writing and fails to indicate in that disclosure that the licensee will receive additional payment for the loan origination activities;
(b) Fails to contact the Department of Financial Institutions to register and pay the one (1) time fee for engaging in loan origination, if the licensee is engaged in loan origination as a part of his or her real estate activities to assist his or her real estate clients in obtaining financing; or
(c) Receives payment but fails to perform the requirement in subparagraph 1 of this paragraph, plus at least five (5) of the remaining thirteen (13) specific activities listed below[~~, as outlined by the Department of Housing and Urban Development and as set out in the Real Estate Settlement Procedures Act Statement of Policy 1999-1~~]:

1. Taking information from the borrower and filling out the application;
2. Analyzing the prospective borrower's income and debt and pre-qualifying the prospective borrower to determine the maximum mortgage that the prospective borrower can afford;
3. Educating the prospective borrower in the home buying and financing process, advising the borrower about the different types of loan products available, and demonstrating how closing costs and monthly payments could vary under each product;
4. Collecting financial information (tax returns, bank statements) and other related documents that are part of the application process;
5. **Initiating or ordering a verification**[~~Initiating/ordering verifications~~] of employment and verifications of deposit;
6. **Initiating or ordering a request**[~~Initiating/ordering requests~~] for mortgage and other loan verifications;
7. **Initiating or ordering an inspection or engineering report**[~~Initiating/ordering appraisals~~];
8. **Initiating or ordering an inspection or engineering report**[~~Initiating/ordering inspections or engineering reports~~];
9. Providing disclosures (truth in lending, good faith estimate, others) to the borrower;
10. Assisting the borrower in understanding and clearing credit problems;

11. Maintaining regular contact with the borrower, realtors, lender, between application and closing to appraise them of the status of the application and gather any additional information as needed;

12. Ordering legal documents;

13. Determining whether the property was located in a flood zone or ordering such service, and

14 Participating in the loan closing;

(d) Requests or receives compensation that is not commensurate with the actual work performed; or

(e) Requests or receives compensation for work that is not actually performed by him or her.

~~(8)~~[~~(9)~~] A broker licensed in Kentucky to aid, abet, or otherwise assist any individual who is not actively licensed in Kentucky in the practice of brokering real estate in this state. This prohibition shall include a Kentucky broker assisting an unlicensed individual with the listing, selling, leasing or managing of any Kentucky property or assisting an unlicensed individual in representing any buyer or lessee seeking property in Kentucky. An unlicensed individual shall include an individual who may be affiliated with a national franchise and may have a license in another state but who does not have an active Kentucky license.

~~[(10) To measure the square footage for a single-family residential dwelling without using the standards of the American National Standards Institute, Inc ("ANSI")]~~

ARVEL J. MCMAHAN, Chairperson

APPROVED BY AGENCY: September 14, 2007

FILED WITH LRC: September 14, 2007 at 10 a.m.

CONTACT PERSON. Y. Denise Payne Wade, Staff Attorney, Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, phone (502) 429-7250, fax (502) 429-7246.

GENERAL GOVERNMENT CABINET
Board of Nursing
(As Amended at ARRS, March 10, 2008)

201 KAR 20:057. Scope and standards of practice of advanced registered nurse practitioners.

RELATES TO: KRS 314.011(7), 314 042, 314.193(2)

STATUTORY AUTHORITY: KRS 314.131(1), 314.193(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations necessary to enable it to carry into effect the provisions of KRS Chapter 314. KRS 314.193(2) authorizes the board to promulgate administrative regulations establishing standards for the performance of advanced registered nursing practice to safeguard the public health and welfare. This administrative regulation establishes the scope and standards of practice for an advanced registered nurse practitioner.

Section 1. Definitions. (1) "Collaboration" means the relationship between the advanced registered nurse practitioner and a physician in the provision of prescription medication and includes both autonomous and cooperative decision-making, with the advanced registered nurse practitioner and the physician contributing their respective expertise.

(2) [~~"Collaborative~~]"Collaborative Agreement for the Advanced Registered Nurse Practitioner's Prescriptive Authority for Non-scheduled Legend Drugs (CAPA-NS)" means the written document pursuant to KRS 314 042(8).

(3) "Collaborative Agreement for the Advanced Registered Nurse Practitioner's Prescriptive Authority for Controlled Substances (CAPA-CS)" means the written document pursuant to KRS 314.042(9).

Section 2. The practice of the advanced registered nurse practitioner shall be in accordance with the standards and functions defined in the following scope and standards of practice statements for each specialty area:

(1) Scope and Standards of Psychiatric-Mental Health Nursing Practice,

(2) Nursing: Scope and Standards of Practice[~~Advanced Practice Registered Nursing~~];

(3) Scope and Standards for Nurse Anesthesia Practice;

(4) Standards for Office-based Anesthesia Practice;

(5) Standards for the Practice of Midwifery;

(6) The Women's Health Nurse Practitioner: Guidelines for Practice and Education;

(7) Scope and Standards of Practice: Pediatric Nurse Practitioner;

(8) Standards of Practice for Nurse Practitioners;

(9) Scope of Practice for Nurse Practitioners;

(10) Standards of Clinical Practice and Scope of Practice for the Acute Care Nurse Practitioner;

(11) Neonatal Nursing: Scope and Standards of Practice;

(12) Scope of Practice and Standards of Professional Performance for the Acute and Critical Care Clinical Nurse Specialist; and

(13) Statement on the Scope and Standards of Advanced Practice Nursing in Oncology.

Section 3. In the performance of advanced registered nursing practice, the advanced registered nurse practitioner shall seek consultation or referral in those situations outside the advanced registered nurse practitioner's scope of practice.

Section 4. Advanced registered nursing practice shall include prescribing medications and ordering treatments, devices, and diagnostic tests which are consistent with the scope and standard of practice of the advanced registered nurse practitioner.

Section 5. Advanced registered nursing practice shall not preclude the practice by the advanced registered nurse practitioner of registered nursing practice as defined in KRS 314.011(5).

Section 6. (1) A CAPA-NS shall include the name, address, phone number, and license or registration number of both the advanced registered nurse practitioner and each physician who is a party to the agreement. It shall also include the specialty area of practice of the advanced registered nurse practitioner. An advanced registered nurse practitioner shall, upon request, furnish to the board or its staff, a copy of the CAPA-NS.

(2) To notify the board of the existence of a CAPA-CS pursuant to KRS 314 042(9)(a), the ARNP shall file with the board the "Notification of a Collaborative Agreement for the Advanced Registered Nurse Practitioner's Prescriptive Authority for Controlled Substances (CAPA-CS)".

(3) For purposes of the CAPA-CS, in determining whether the ARNP and the collaborating physician are qualified in the same or a similar specialty, the board shall be guided by the facts of each particular situation and the scope of the ARNP's and the physician's actual practice.

Section 7. Prescribing medications without a CAPA-NS or a CAPA-CS[~~written collaborative practice agreement~~] shall constitute a violation of KRS 314.091(1).

Section 8. The board may make an unannounced monitoring visit to an advanced registered nurse practitioner to determine if the advanced registered nurse practitioner's practice is consistent with the requirements established by 201 KAR Chapter 20.

Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Scope and Standards of Psychiatric-Mental Health Nursing Practice", 2000 Edition, American Nurses' Association,

(b) "Nursing: Scope and Standards of Practice[~~Advanced Practice Registered Nursing~~]", 2004[~~1996~~] Edition, American Nurses' Association;

(c) "Standards for Office-based Anesthesia Practice", 2005[~~2002~~] Edition, American Association of Nurse Anesthetists;

(d) "Scope and Standards for Nurse Anesthesia Practice", 2005[~~2002~~] Edition, American Association of Nurse Anesthetists;

(e) "Standards for the Practice of Midwifery", 2003 Edition, American College of Nurse-midwives;

(f) "The Women's Health Nurse Practitioner: Guidelines for Practice and Education", 2002 Edition, Association of Women's Health, Obstetric and Neonatal Nurses and National Association of Nurse Practitioners in Women's Health;

(g) "Scope and Standards of Practice: Pediatric Nurse Practitioner", 2004 Edition, National Association of Pediatric Nurse Practitioners,

(h) "Standards of Practice for Nurse Practitioners", 2006[~~2002~~] Edition, American Academy of Nurse Practitioners;

(i) "Scope of Practice for Nurse Practitioners", 2006[~~2002~~] Edition, American Academy of Nurse Practitioners;

(j) "Standards of Clinical Practice and Scope of Practice for the Acute Care Nurse Practitioner", 1995 Edition. American Nurses' Association/American Association of Critical Care Nurses;

(k) "Neonatal Nursing: Scope and Standards of Practice", 2004 Edition, American Nurses Association/National Association of Neonatal Nurses;

(l) "Scope of Practice and Standards of Professional Performance for the Acute and Critical Care Clinical Nurse Specialist", 2002 Edition, American Association of Critical-Care Nurses;[~~and~~]

(m) "Statement on the Scope and Standards of Advanced Practice Nursing in Oncology", 2003 Edition, Oncology Nursing Society, and[~~.~~]

(n) "Notification of a Collaborative Agreement for the Advanced Registered Nurse Practitioner's Prescriptive Authority for Controlled Substances (CAPA-CS)", 8/2006, Kentucky Board of Nursing.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.

JIMMY ISENBERG, President

APPROVED BY AGENCY: February 8, 2008

FILED WITH LRC: February 11, 2008 at 11 a m.

CONTACT PERSON: Nathan Goldman, General Counsel, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 429-3309, fax (502) 696-3938.

GENERAL GOVERNMENT CABINET
Kentucky Board of Chiropractic Examiners
(As Amended at ARRS, March 10, 2008)

201 KAR 21:041. Licensing; standards, fees.

RELATES TO: KRS 312.085, 312.095, 312.175 [~~312.105, 312.115~~]

STATUTORY AUTHORITY: KRS 312.019

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312.** [~~The statutory provisions governing applications for licenses, examination of prospective licensees and the renewal of licenses were amended by the 1988 session of the Kentucky General Assembly.~~] [~~The purpose of~~] This administrative regulation **establishes** [~~is to~~][~~more definitively~~][~~specify~~] the procedures relating to application for licensure, license renewal, and fees [~~these and other matters~~].

Section 1. Initial application Fee. **With** [~~At the time~~] the application **submission** [~~is submitted~~], a nonrefundable [~~an~~] application [~~and examination~~] fee in the amount of $350 [~~$150~~] shall be paid to the board [~~executive secretary~~].

Section 2. Licenses. **(1)** Licenses issued by the board shall set forth the name of the issuing board, the name of the licensee, the number of the license, the date of **the license issuance, and shall** [~~its issuance, and must~~] be signed by a minimum of three (3) members of the board and have the seal of the board affixed.

(2) All members of the board shall be given the opportunity to sign each license.

Section 3. License Renewal. (1)(a) Each licensee of the board[~~, whether licensed to practice in this state or out of it and whether or not he is inactive or retired~~][~~,~~] shall:

1. Annually renew his license on or before the first day of March; **and**

2. [~~He shall~~] Submit his application for license renewal to the board [~~executive secretary~~] on the forms provided by the board [~~for such purpose~~].

(b)**1.** With the application, a licensee seeking active status shall pay a [~~the~~] renewal fee of $250.

2. An inactive licensee shall pay a renewal fee of seventy-five (75) dollars.

(c) The restoration fee for nonrenewal of licensure in accordance with KRS 312.175(2)-(4) shall be $250.

(d)**1.** [~~Beginning January 1, 2008 all~~] New licensees shall [~~be required to~~] complete a two (2) hour jurisprudence course prior to their first license renewal.

2. Proof of attendance shall be submitted with the renewal application.

3. The [~~Said~~] jurisprudence course shall account for two (2) of the twelve (12) hours of continuing education required for annual license renewal. [~~sixty (60) dollars.~~]

(2) The educational program shall meet one (1) or more of the following minimum requirements:

(a) A post graduate course of study at or sponsored by a chiropractic college accredited by the Council on Chiropractic Education or its successors, of at least twelve (12) hours of instruction, only six (6) hours of which may be obtained out-of-state, over at least two (2) days; or

(b)**1.** An educational program approved by the board, or a committee designated by the board to act between sessions of the board, with a total of at least twelve (12) hours of instruction over at least two (2) days.

2.a. To be considered, the educational program shall be sponsored by a national or state chartered organization of chiropractors open to all doctors of chiropractic in Kentucky who desire to attend.

b. The instructors and speakers shall be recognized to have a national reputation in the field of chiropractic education or allied sciences or they shall be generally recognized as having a high degree of skill in the field of instruction [~~in which he instructs or speaks~~].

c. The programs to be presented **shall** [~~must~~] contain subjects [~~that will be~~] of significant benefit to licensees and on a postgraduate level of education.

(3) The sponsoring party of a proposed educational program for license renewal shall apply for approval of the program prior to its presentation by providing the following information to the board [~~executive secretary~~].

(a) The name of the course;

(b) The name of the sponsoring organization;

(c) The objective of the program;

(d) The number of hours over which the educational program will be presented and the dates presented;

(e) The names of the instructors and speakers and the name and address of the institution with which they are associated, if applicable;

(f) The instructors' or speakers' educational background and other relevant qualifications, **and**

(g) The name and address of the person authorized to certify attendance

(4) The educational program may be monitored by an officer of the board, the field coordinator of the board, or a person designated by the president of the board **to determine compliance with subsection (3) of this section.**

(5)(a) A [~~for such purpose.~~

~~(5) Any~~] proposed program shall be submitted to the board [~~executive secretary of the board~~] for approval at least sixty (60) days prior to the date of the presentation.

(b) The board, or a designee of [~~committee designated by~~] the board to act between meetings of the board, shall give written notification of the board's approval or disapproval of the program to the sponsoring party not less than thirty (30) days after receiving the proposed educational program.

(c) Within thirty (30) days of completion of the program, the sponsoring party shall submit to the board [executive secretary] a written certification of the licensees in attendance at the program, the sessions attended by each, and the number of hours of each session attended.

(6) If the licensee is in active practice but is not in active practice in Kentucky [this state] and does not intend to practice in Kentucky [this state] during the renewal period, he shall meet the educational requirements of the state or jurisdiction in which he is practicing,[;] shall affirm that the [such] requirements have been met,[;] and shall furnish proof of compliance if requested by the board [or by the executive secretary].

(7) If the licensee is not in active practice, his license may be renewed, with the [such] inactive status being noted, without satisfying the educational requirements, but before the [such] licensee may again be licensed to engage in the active practice of chiropractic, he shall meet the educational requirements prescribed by the board after a review of the licensee's verified resume of education and experience and shall satisfactorily pass an [such] examination for clinical competency as may be prescribed by the board.

Section 4. Change of Address Each licensee shall notify the board [executive secretary] within thirty (30) days of each change of mailing address or place of business.

Section 5. Incorporation by Reference (1) The following material is incorporated by reference:

(a) "New Licensee Application" (2006);

(b) "Application for Annual License Renewal" (2006);

(c) "Annual Inactive/Non-Resident License Renewal Application" (2007); and

(d) "Application for Activation/Reinstatement of Kentucky License" (2007).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Chiropractic Examiners, 209 South Green Street, Glasgow, Kentucky 42142, Monday through Friday, 8 a.m. to 4:30 p.m. [Fees. The fee for reexaminations is $100.

Section 6. Application and renewal forms are incorporated by reference. Forms may be obtained at, or by written request mailed to, the office of the board, 211 South Green Street, Glasgow, Kentucky 42141.]

MARK WOODWARD, President

APPROVED BY AGENCY: November 12, 2007

FILED WITH LRC: November 15, 2007 at 11 a.m.

CONTACT PERSON: Karalee Oldenkamp, D.C., Executive Director, Kentucky Board of Chiropractic Examiners, P.O. Box 183, Glasgow, Kentucky 42142, phone (270) 651-2522, fax (270) 651-8784.

GENERAL GOVERNMENT CABINET
Kentucky Board of Chiropractic Examiners
(As Amended at ARRS, March 10, 2008)

201 KAR 21:070. Licensing examination requirements.

RELATES TO: KRS 312.019(9)[(b), (c)], 312.115(2)

STATUTORY AUTHORITY: KRS [Chapter 13A,] 312.019(9), 312.115

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312 [empowers the Board of Examiners to adopt administrative regulations. KRS 312.019 and 312.115 provide that the Board of Examiners may adopt administrative regulations. KRS 312.019(9)(b) and (c) provide that they may adopt administrative regulations concerning the conduct of examinations and the professional qualifications for applicants for license]. KRS 312.115(2) provides that the examination for a chiropractic license may consist in part of the National Board Examination [Test] of the National Board of Chiropractic Examiners. This administrative regulation[, as its function,] establishes the chiropractic licensing [those] examination procedures.

Section 1. [National Board Certificate of Attainment and Written Clinical Competency Examination Required.] (1)(a) An applicant for licensure [and practical examination] shall hold a National Board of Chiropractic Examiners Certificate of Attainment, which indicates that the applicant has passed the National Board of Chiropractic Examiners examination, parts I, II, III, and IV [and II].

(b) The applicant shall [The applicant must] also pass the National Board of Chiropractic Examiners Physiotherapy [written clinical competency] examination administered by the National Board of Chiropractic Examiners

(2)(a) An official National Board of Chiropractic Examiners transcript of scores for parts I, II, III, and IV [and the physiotherapy] [and II and the written clinical competency] [examination] shall be on file with the Kentucky Board of Chiropractic Examiners.

(b) [board thirty (30) days prior to the board's administration to the applicant of an examination in which the applicant is required to demonstrate practical clinical competency.] Official transcripts shall be requested [obtained] by the applicant to be [and] sent to the Kentucky Board of Chiropractic Examiners directly from the National Board of Chiropractic Examiners [to the board].

(3) The state's requirement for successful completion (passage) of all parts of the National Board of Chiropractic Examiners [written clinical competency] examination shall be the National Board of Chiropractic Examiners [a sealed score of 375 or the] recommended passing score [of the National Board of Chiropractic Examiners, whichever is greater. The state's requirement for successful completion (passage) of the state practical clinical competency examination shall be a score of seventy-five (75) percent or greater].

[(4) This administrative regulation shall be effective January 1, 2007][1990].

MARK WOODWARD, President

APPROVED BY AGENCY: November 12, 2007

FILED WITH LRC: February 15, 2008 at 10 a.m.

CONTACT PERSON: Karalee Oldenkamp, D.C., Executive Director, Kentucky Board of Chiropractic Examiners, P.O. Box 183, Glasgow, Kentucky 42142, phone (270) 651-2522, fax (270) 651-8784.

COMMERCE CABINET
Kentucky Department of Fish and Wildlife Resources
(As Amended at ARRS, March 10, 2008)

301 KAR 2:132. Elk depredation permits, landowner cooperator permits, and quota hunts.

RELATES TO: KRS 150.010, [150.177,]150.180, [150.390, 150.395,]150.990[(11)]

STATUTORY AUTHORITY: KRS 150.025, 150.177, 150.178, 150.390[(3), (4)]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to establish hunting seasons, regulate bag and possession limits, and determine the methods and devices used to take wildlife. KRS 150.177 authorizes the department to issue special commission permits for game species to nonprofit organizations. KRS 150.178 authorizes the department to issue elk permits to landowners who enroll property for public hunting access. KRS 150.390[(3)] authorizes the department to promulgate administrative regulations establishing the conditions under which depredation permits for elk may be issued. This administrative regulation establishes the requirements for the elk permit drawing and quota hunts, the conditions under which special commission and landowner cooperator permits can be used, and procedures for elk damage abatement. [This administrative regulation establishes the procedures to obtain a depredation permit to control elk causing property damage. KRS 150.390 (4) authorizes the department to establish elk hunting seasons and requirements. This administrative regulation establishes the hunting requirements during the elk hunting season and establishes procedures for ap-

~~plying for and participating in elk quota hunts and the requirements for issuing landowner cooperator permits.~~]

Section 1. Definitions. (1) "Antlered elk" means an elk with one (1) antler possessing four (4) or more antler points that are each at least one (1) inch long when measured from the main beam which also counts as one (1) point.

(2) "Antlerless elk" means an elk without visible polished antler protruding above the hairline.

(3) "Electronic decoy" means a motorized decoy powered by electricity, regardless of source.

(4) "Elk" means Cervus elaphus nelsoni.

(5) "Elk Hunting Unit" or "EHU" means a designated area within the elk restoration zone possessing specific elk management restrictions.

(6) "Landowner cooperator" means a landowner or lessee who owns or leases at least 5,000 acres of land in the restoration zone and enters an agreement with the department to allow public access and hunting for five (5) years.

(7) [~~"Limited entry area" means a strategically located and defined management unit, large in size and consisting of public and private holdings, where elk populations are encouraged to grow and expand, serving as the source areas for elk within the restoration zone, managed for reduced hunting pressure, and elk hunting access is limited or restricted to specifically drawn and designated hunters.~~

~~(6)~~] "Out-of-zone" means [~~refers to~~] all counties not included in the restoration area.

(8) [~~(7)~~] "Restoration zone[~~area~~]" means the following Kentucky counties: Bell, Breathitt, Clay, Floyd, Harlan, Johnson, Knott, Knox, Leslie, Letcher, Magoffin, Martin, McCreary, Perry, Pike, and Whitley.

[~~(8) "Wild elk" means:~~

~~(a) An elk translocated and released by the department, or~~

~~(b) The progeny of an elk translocated and released by the department.~~

~~(9) "Zone at-large" means any area within the sixteen (16) county restoration area except the limited entry areas~~]

Section 2. Elk Damage Control. The department may authorize the removal or destruction of elk causing property damage by department personnel, the property owner, or another designated person. [~~(1) A person shall not kill or attempt to take or molest a wild elk that is causing property damage, except as specified in this administrative regulation.~~

~~(2) A person shall contact the department if he wants depredating wild elk removed from his property.~~

~~(3) Upon receipt of a damage complaint, the department shall:~~

~~(a) Verify that wild elk are causing the damage,~~

~~(b) Remove, destroy or authorize the destruction of the elk by the property owner or his designee, and~~

~~(c) The property owner or designee shall immediately contact the department upon destruction of the elk.~~

~~(4)~~] A person authorized to destroy an elk causing damage [~~under the provisions of this section~~] shall not:

(a) Move the elk until he has attached a disposal permit [~~tag~~] provided by the department to the carcass; and

(b) Remove the disposal permit [~~tag~~] until the carcass is processed.

Section 3. Elk Quota[~~Elk~~] Hunts. [~~Application procedures and electronic drawing.~~] (1) The elk hunt application period shall be [~~December 1 - July 31 for the 2007 quota hunt draw. The application period for all subsequent quota hunt draws shall be~~] December 1 to April 30.

(2) A person shall [~~may~~] apply for the elk quota hunt via [~~by visiting~~] the department's Web site, the toll-free phone number listed in the current Kentucky Hunting and Trapping Guide. [~~Web site at fw.ky.gov, calling 1-877-598-2401~~] or [~~visiting~~] a Kentucky license vendor. The applicant shall provide the following information [~~KDSS agent and providing the following~~]

(a) The applicant's name, Social Security number, date of birth, and mailing address or phone number; and

(b) A [~~ten (10) dollar~~] nonrefundable application fee.

(3) An applicant shall not apply more than once per application period.

(4) The commissioner may extend [~~The commissioner may:~~

~~(a) Extend~~] the application deadline if technical difficulties with the application system prevent applications from being accepted for one (1) or more days during the application period. [~~; and~~

~~(b) Authorize the on-site sale of applications during promotional events or festivals.~~

~~(5) There shall be no preference points~~]

(5) [~~(6)~~] There shall be a random electronic drawing.

[~~(7) The drawing and complete results shall be posted on the department's Web site by August 20 of the application year.~~]

(6)[~~(8)~~] Two (2) permits [~~tags~~], one (1) antlered and one (1) antlerless, shall be available for a special youth-only hunt to be held during the regular seasons.

(a) An applicant who has not reached his or her sixteenth birthday by the last day of the application period [~~Persons fifteen (15) years old or younger, at the time of application,~~] shall be entered into the special youth drawing [~~draw~~]. An applicant [~~Those~~] not drawn for the special youth permits [~~tags~~] shall automatically be entered into the regular drawing [~~draw~~].

(b) The application period and fee for the special youth draw shall be the same as that for the regular elk hunt.

(c) A [~~The~~] special youth hunt permit shall be valid for the assigned EHU [~~the zone at large area~~] during seasons specified [~~as set forth~~] in Section 6 [~~5~~] of this administrative regulation.

[~~(d) Special youth tags shall not be valid for use in limited entry areas except on land owned by the youth's parent or guardian, as described in Section 4 of this administrative regulation~~]

(7) [~~(9)~~] No more than ten (10) percent of all drawn applicants [~~regular tags~~] shall be [~~awarded to~~] nonresidents.

Section 4. Landowner Cooperator Permits. (1) With the approval of the commission, the commissioner may issue one (1) either-sex elk permit per each 5,000 acres for each year of the agreement to a landowner cooperator.

(2) A landowner cooperator permit is transferable, but shall be used only on the land for which the agreement was made.

(a) The permit may be transferred to any person eligible to hunt in Kentucky.

(b) The landowner cooperator shall provide the following information to the department about the transferred-permit holder:

1. Name;
2. Social Security number;
3. Address; and
4. Telephone number.

(3) Public access agreements with the department shall be recorded in Memorandums of Understanding.

(4) Recipients of landowner cooperator permits shall comply with the provisions of this administrative regulation.

Section 5 [~~4.~~] Hunter Requirements. [~~Drawn Applicants and Limited Entry Areas~~] (1) A drawn applicant [~~person whose name is selected pursuant to this administrative regulation~~] or a person who legally receives [~~or is transferred~~] a landowner cooperator permit or a special commission permit issued pursuant to 301 KAR 3:100 may be accompanied by up to two (2) other individuals.

(2) A drawn applicant shall be assigned to a single EHU and shall not hunt outside that EHU. [~~shall participate in the elk quota hunt as assigned.~~

~~(2) An individual selected to participate in a quota hunt or who receives or is transferred a landowner cooperator permit or a special commission permit may be accompanied by up to two (2) other individuals who may assist in the retrieval of the harvested elk.~~

~~(3) Drawn applicants shall be assigned:~~

~~(a) The sex of the elk they are permitted to take; and~~

~~(b) The area they are permitted to hunt, either a limited entry area or zone at large,~~] except that a drawn applicant [~~hunter~~] who owns land in the elk restoration zone [~~a limited entry area and who is drawn for an at large elk tag~~] may hunt on his or her land [~~during at-large seasons as defined in Section 6 of this administrative regulation~~].

(3) An elk hunter or any person accompanying an elk hunter shall display solid, unbroken hunter orange visible from all sides on

the head, back, and chest per 301 KAR 2:172.

(4) An elk hunter shall not:

(a) Take elk except during daylight hours;

(b) Use dogs, except for leashed tracking dogs to recover wounded elk;

(c) Hunt over bait as defined in 301 KAR 3:010;

(d) Drive elk from outside the assigned EHU;

(e) Take swimming elk;

(f) Use electronic calls or electronic decoys, or

(g) Take an elk from a vehicle or boat or while on horseback. A hunter who has a disabled hunting exemption permit issued by the department may use a stationary vehicle as a hunting platform.

(5) An elk hunter shall display a vehicle tag issued by the department in the windshield of his or her vehicle at all times while hunting elk.

(6) A person under sixteen (16) years old shall be accompanied by an adult who shall remain in a position to take immediate control of the person's firearm.

(7) An adult accompanying a person under (16) years old shall not be required to possess a hunting license or elk permit if the adult is not hunting.

(8) A hunter may use any firearm, archery equipment, or crossbow legal for hunting deer pursuant to 301 KAR 2:172, except an elk hunter shall not possess or use:

(a) Any weapon or device prohibited for deer hunting pursuant to 301 KAR 2:172;

(b) A modern firearm of less than 27 caliber;

(c) A muzzle-loading firearm of less than 50 caliber;

(d) A shotgun of less than 20 gauge;

(e) Any arrow without a broadhead point;

(f) A handgun with a barrel length of less than six (6) inches, a bore diameter less than 0.270 inches (.270 caliber) or greater, and when fired, the bullet **shall**[~~must~~] produce at least 550 ft/lbs of energy at 100 yards.

Section 6. Seasons and Limits. (1) A hunter may use archery equipment:

(a) Beginning the first Saturday in October through the third Monday in January for antlered elk; and

(b) Beginning the second Saturday in October through the third Monday in January for antlerless elk.

(2) A hunter may use a modern firearm, muzzleloader, or crossbow:

(a) For seven (7) consecutive days beginning the first Saturday in October for antlered elk; and

(b) For fourteen (14) consecutive days beginning the second Saturday in **December**[~~October~~] for antlerless elk.

(3) A hunter may use a crossbow for either sex.

(a) From **the second Saturday in October**[~~October 1~~] through the end of the third full weekend in October; and

(b) From the second Saturday in November through December 31.

(4) The statewide season bag limit shall be one (1) elk per hunter. [~~(4) The limited entry areas shall be designated as follows:~~

~~(a) Begley/Redbird Limited Entry Area: starting at the intersection of Kentucky Route 2058 and Route 421 near Helton/Manchester; boundary proceeds south along Route 421 to the intersection of Route 421 and Route 221. The boundary then proceeds west along Route 221 to the intersection of Route 221 and Route 66. The boundary then goes north following Route 66 to the intersection of Route 66 and Route 1850, then east along Route 1850 to the intersection of Route 1850 and Route 1780 at Warbranch. The boundary then proceeds south on Route 1780 to intersection of Route 2058 near Spruce Pine, then east on Route 2058 back to Route 421 at Helton completing the boundary.~~

~~(b) Starfire Limited Entry Area: begins at the intersection of Route 1098 and Route 80 near Softshell, Kentucky. The boundary proceeds west along Route 1098 to the junction of Route 1098 and Route 15. The boundary then proceeds south along Route 15 to the junction of Route 15 and Route 476 near Lost Creek, Kentucky. The boundary then turns east along Route 476 to the intersection of Route 476 and Route 80, then east on Route 80 to Route 1098 at Softshell, Kentucky completing the boundary.~~

~~(5) A maximum of six (6) tags for antlered elk shall be assigned to each limited entry area.~~

~~Section 5. Seasons for Annual Quota Elk Hunts. (1) There shall be three (3) annual elk quota hunts.~~

~~(a) There shall be a quota hunt beginning the first Saturday in October, for seven (7) consecutive days for antlered elk on the Starfire and Begley/Redbird Limited Entry Areas and in the zone-at-large.~~

~~(b) There shall be a quota hunt beginning the second Saturday in December, for seven (7) consecutive days for antlerless elk on the Starfire and Begley/Redbird Limited Entry Areas.~~

~~(c) There shall be a quota hunt beginning the second Saturday in December, for fourteen (14) consecutive days for antlerless elk in the restoration zone at large.~~

~~(d) An archery season for zone-at-large antlered elk permit holders shall be held from the first Saturday in October through the third Monday in January.~~

~~(e) An archery season for zone-at-large antlerless elk permit holders shall be held from the second Saturday in October through the third Monday in January.~~

~~(f) Crossbows shall be legal for antlered elk from the first Saturday in October through the third full weekend in October and from the second Saturday in November through December 31.~~

~~(g) Crossbows shall be legal for antlerless elk from the second Saturday in October through the third full weekend in October and from the second Saturday in November through December 31.~~

~~(2) Legal weapons. All hunters may use any legal weapon for deer hunting except as provided by subsection (4) of this section. A handgun used to hunt elk must have a barrel length of at least six (6) inches, have a bore diameter of 0.270 inches (.270 caliber) or greater, and when fired, the bullet must produce at least 550 ft/lbs of energy at 100 yards.~~

~~(3) Limits.~~]

(a) A quota elk hunter shall only take an [~~one (1)~~] elk of the sex determined by the permit [tag] drawn.

(b) An individual who receives or is transferred a [~~an either sex~~] landowner cooperator permit or a special commission permit may hunt in either the antlered only or antlerless only quota hunts[~~, providing the tag has not been filled but is held to the season bag limit~~].

Section 7. Tagging and Checking Requirements. [~~(4) Illegal hunting equipment. A person shall not use or possess while elk hunting:~~

~~(a) A device capable of taking an elk except a firearm, crossbow or archery equipment;~~

~~(b) A modern firearm of less than .27 caliber;~~

~~(c) A muzzle-loading firearm of less than .50 caliber;~~

~~(d) A shotgun of less than 20 gauge;~~

~~(e) Rimfire ammunition;~~

~~(f) A fully automatic firearm;~~

~~(g) A firearm with a magazine capacity greater than ten (10) rounds;~~

~~(h) Full metal Steel jacketed ammunition;~~

~~(i) Tracer bullet ammunition;~~

~~(j) A shotgun shell containing more than one (1) projectile;~~

~~(k) A broadhead smaller than seven-eighths (7/8) inch wide;~~

~~(l) A barbed broadhead;~~

~~(m) A crossbow without a working safety device;~~

~~(n) A chemically-treated arrow; or~~

~~(o) An arrow with a chemical attachment; or~~

~~(p) Any arrow without a broadhead point.~~

~~(5) Hunter orange. During the firearm elk season, all hunters hunting within the sixteen (16) county elk restoration zone shall display solid, unbroken hunter orange visible from all sides on the head, back and chest pursuant to 301 KAR 2:172, Section 4, and 301 KAR 2:178, Section 3(7).~~

~~(6) Hunter requirements:~~

~~(a) A person under sixteen (16) years old shall be accompanied by an adult who shall remain in a position to take immediate control of the juvenile's firearm.~~

~~(b) An adult accompanying a juvenile hunter shall not be required to possess a hunting license or elk permit if the adult is not hunting.~~

~~(c) An elk hunter or any person accompanying the elk hunter:~~

~~1. May be in the field, woods or stands before or after daylight hours, but shall not take elk except during daylight hours;~~

~~2. Shall not use dogs, except for leashed tracking dogs to recover wounded elk;~~

~~3. Shall not use bait;~~

~~4. Shall not drive elk from outside his assigned area,5. Shall not take swimming elk;~~

~~6. Shall not use electronic calls or electronic decoys; and~~

~~7. Shall not take an elk while in a vehicle or boat, or on horseback. A hunter may use a vehicle as a hunting platform if he has a disabled hunting exemption permit issued by the department.~~

~~(d) An elk hunter shall display a hang tag, issued by the Department, in the windshield of his vehicle at all times while hunting elk.~~

~~(7) Tagging, check in requirements, and bag limit.~~

~~(a)~~] Immediately after taking an elk and prior to removing the hide or head from the carcass, a hunter shall:

(1) Record the species, sex, date, and county of kill on a hunter's log;

(2) [~~1.~~] Attach the tag portion of the permit to the carcass before moving the carcass; and

(3) Check the harvested [~~2. Telecheck the~~] elk by calling the toll-free number listed in the current Kentucky Hunting and Trapping Guide [~~fall hunting and trapping guide~~] and recording the confirmation number on a hunter's log [~~(b) Prior to hunting, the limited entry area hunters shall check in at the following locations:~~

~~1. Starfire Limited Entry Area–Robinson Forest;~~

~~2. Begley Limited Entry Area – Blanton Forest Boy Scout Camp.~~

~~(c) A person checking in for a limited entry area quota hunt shall show his Social Security number, and valid hunting license, except a person on military furlough for more than three (3) days may show his military identification instead of a license.~~

~~(d) The season bag limit shall be one (1) elk per hunter.~~]

Section 8. [~~6.~~] Elk Hunting on Public Land. (1) A drawn applicant or recipient of [~~An individual who has been drawn to hunt in the elk hunt, or who either receives or is transferred~~] a special commission permit[,] may hunt on [~~all~~] Wildlife Management Areas (WMA), state forests, Big South Fork National River and Recreation Area, the Daniel Boone National Forest, and the Jefferson National Forest within the restoration [~~sixteen (16) county elk~~] zone under the conditions of the permit received.

(2) [~~type of tag they receive.~~

~~(2) Public land that lies within a Limited Entry Area shall be managed pursuant to Sections 4 and 5 of this administrative regulation.~~

~~(3) Public land that lies within the zone-at-large shall be managed pursuant to Sections 4 and 5 of this administrative regulation.~~

~~(4)~~] Portions of Paintsville Lake WMA lie outside the [~~sixteen (16) county elk~~] restoration zone and are subject to the requirements established in Section 9 [8] of this administrative regulation.

(3) [~~(5)~~] Elk hunting shall not be allowed on public areas during quota deer hunts listed in 301 KAR 2:178.

[~~(6) Hunter orange requirements shall be in effect.~~

~~Section 7. Landowner Cooperator Permits.~~

~~(1) With the approval of the commission, the commissioner may issue either sex elk permit(s) each year of the agreement to qualified landowners or lessees who enter into a five (5) year public hunting and access agreement with the department.~~

~~(2) To qualify, landowners or lessees shall own or lease 5,000 acres of elk habitat to which he or she, and the lessor, if applicable, agrees to allow public hunting and access.~~

~~(3)(a) A landowner cooperator permit is transferable, but shall be used on the land for which the memorandum of agreement was made.~~

~~(b) The permit may be transferred to any person eligible to hunt in Kentucky.~~

~~(c) The landowner or agent identified in the memorandum of agreement for that property shall provide to the department the following information for each person to whom a permit will be transferred:~~

~~1. Name;~~

~~2. Social Security number;~~

~~3. Address; and~~

~~4. Telephone number.~~

~~(d) If the permit is sold, the landowner or agent shall provide to the department:~~

~~1. The gross sale price for the permit; and~~

~~2. How the proceeds of the sale will be used in Kentucky for wildlife management.~~

~~(e) The permit shall be issued by the department directly to the recipient specified by the landowner or agent.~~

~~(4) One (1) landowner cooperator permit shall be issued for each 5,000 [-]acres of land included in the agreement.~~

~~(5) Public access agreements with the department shall be memorialized in memorandums of understanding.~~

~~(6) Recipients of landowner cooperator permits shall comply with the provisions of this administrative regulation including seasons, legal methods of taking and other elk hunting requirements.~~

~~(a) Landowner cooperator land that resides within a limited entry area shall be managed pursuant to Sections 4 and 5 of this administrative regulation.~~

~~(b) Landowner cooperator land that resides within the zone-at-large shall be managed pursuant to Sections 4 and 5 of this administrative regulation.~~]

Section 9. Out-of-zone Elk Hunting. (1) [~~8. Hunting Elk Outside of the Sixteen (16) County Restoration Zone. (1) A person may hunt elk in counties other than the sixteen (16) county restoration zone.~~

~~(2)~~] The methods of taking and seasons established in 301 KAR 2:172 [~~and 301 KAR 2:174~~] shall apply to taking elk outside of the [~~sixteen (16) county~~] restoration zone.

(a) In order to harvest an out-of-zone elk, a hunter shall be a legal deer hunter and shall possess [~~purchase~~] an out-of-zone elk permit.

(b) Landowners are exempt from this permit requirement as per KRS 150.170.

(2) [~~(3)~~] Either sex elk may be taken and shall not count towards the deer bag limit.

(3) [~~(4)~~] Elk harvested out-of-zone [~~outside of the restoration zone~~] shall be telechecked in accordance with Section 7 of this administrative regulation. [~~prior to removal of the carcass and the confirmation number shall be recorded on a hunter's log.~~]

Section 10 [~~9.~~] A person who takes possession of any elk antler that has the skull or skull plate attached to it[~~, not including sheds,~~] shall contact [~~call~~] the department's Law Enforcement Division [~~at 1-800-25ALERT~~] within twenty-four (24) hours to obtain a disposal permit.

MARK S. CRAMER, Deputy Commissioner
For DR. JONATHAN W. GASSETT, Commissioner
MARCHETA SPARROW, Secretary
APPROVED BY AGENCY: December 7, 2007
FILED WITH LRC: January 9, 2008 at 3 pm
CONTACT PERSON: Rose Mack, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601 phone (502) 564-3400 fax (502) 564-9136.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(As Amended at ARRS, March 10, 2008)

501 KAR 6:020. Corrections policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439 640
NECESSITY, FUNCTION, AND CONFORMITY: KRS 196 035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the

proper administration of the department or any of its divisions. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation establishes the policies and procedures for the Department of Corrections.

Section 1. Incorporation by Reference. (1) "Department of Corrections Policies and Procedures," March 10,[~~January 15,~~] 2008, [~~July 9, 2007"~~] are incorporated by reference. Department of Corrections Policies and Procedures include:

1.2 News Media (Amended 8/9/05)
1.4 The Monitoring and Operation of Private Prisons (Amended 8/9/05)
2.1 Inmate Canteen (Amended 2/15/06)
2.2 Warden's Fund (Amended 10/14/05)
3.1 Code of Ethics (Amended 07/09/07)
3.3 Holding of Second Jobs by Corrections' Employees (Amended 07/09/07)
3.5 Sexual Harassment and Anti-Harassment (Amended 8/9/05)
3.10 Appearance and Dress for Nonuniformed Staff (Amended 11/9/04)
3.11 Drug Free Workplace Employee Drug Testing (Amended 07/09/07)
3.17 Uniformed Employee Dress Code (Amended 4/10/06)
3.20 Communication and Recording Devices (Amended 6/3/05)
5.1 Research and Survey Projects (Amended 8/9/05)
6.1 Open Records Law (Amended 5/14/07)
8.2 Fire Safety (Amended 2/15/06)
8.7 Notification of Extraordinary Occurrence (Amended 12/13/05)
9.4 Transportation of Inmates to Funerals or Bedside Visits (Amended 11/9/04)
9.5 Execution (Amended 9/20/05)
9.6 Contraband (Amended 12/13/05)
9.8 Search Policy (Amended 1/9/07)
9.13 Transport to Court - Civil Action (Amended 07/09/07)
9.18 Informants (Amended 10/14/05)
9.19 Found Lost or Abandoned Property (Amended 10/14/05)
9.20 Electronic Detection Equipment (Amended 10/14/05)
10.2 Special Management Inmates (Amended 11/15/06)
10.3 Safekeepers and Contract Prisoners (Amended 9/15/04)
11.2 Nutritional Adequacy of Inmate Diet (Amended 8/9/05)
11.4 Alternative Dietary Patterns (Amended 6/3/05)
13.1 Pharmacy Policy and Formulary (Amended 11/15/06)
13.2 Health Maintenance Services (Amended 1/9/07)
13.3 Medical Alert System (Amended 10/14/05)
13 5 Advance Healthcare Directives (Added 4/12/05)
13.6 Sex Offender Treatment Program (Amended 8/9/05)
13.7 Involuntary Psychotropic Medication (Amended 10/14/05)
13.8 Substance Abuse Treatment Program (Amended 07/09/07)
13.9 Dental Services (Amended 10/14/05)
13 10 Serious Infectious Disease (Amended 12/13/05)
13.11 Do Not Resuscitate Order (Amended 8/9/05)
14.1 Investigation of Missing Inmate Property (Amended 10/14/05)
14.2 Personal Hygiene Items (Amended 10/14/05)
14.3 Marriage of Inmates (Amended 10/14/05)
14.4 Legal Services Program (Amended 07/09/07)
14.5 Board of Claims (Amended 10/14/05)
14.6 Inmate Grievance Procedure (Amended 07/09/07)
14.7 Sexual Abuse Assault Prevention and Intervention Programs (Amended 11/15/06)
15.1 Hair, Grooming and ID Card Standards (Amended 12/13/05)
15.2 Rule Violations and Penalties (Amended 11/15/06)
15.3 Meritonous Good Time (Amended 12/13/05)
15.5 Restoration of Forfeited Good Time (Amended 5/14/07)
15.6 Adjustment Procedures and Programs (Amended 10/14/05)
15.7 Inmate Account Restriction (Amended 11/15/06)
15.8 Unauthorized Substance Abuse Testing (Amended 10/14/05)
16.1 Inmate Visits (Amended 07/09/07)
16 2 Inmate Correspondence (Amended 11/15/06)
16.3 Inmate Access to Telephones (Amended 6/3/05)
16.4 Inmate Packages (Amended 07/09/07)
17.1 Inmate Personal Property (Amended 5/14/07)
17.2 Assessment Center Operations (Amended 11/15/06)
17.3 Controlled Intake of Inmates (Amended 1/12/05)
17.4 Administrative Remedies: Sentence Calculations (Amended 4/10/06)
18.1 Classification of the Inmate (Amended 07/09/07)
18.2 Central Office Classification Committee (Amended 10/14/05)
18.5 Custody and Security Guidelines (Amended 07/09/07)
18.7 Transfers (Amended 07/09/07)
18.9 Out-of-state Transfers (Amended 2/15/06)
18.11 Placement for Mental Health Treatment in CPTU, KCIW-PCU, or KCPC (Amended 1/9/07)
18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill (Amended 2/15/06)
18.13 Population Categories (Amended 07/09/07)
18.15 Protective Custody (Amended 11/15/06)
18.16 Information to the Parole Board (Effective 11/15/06)
18 17 Interstate Agreement on Detainers (Amended 07/09/07)
18.18 International Transfer of Inmates (Amended 5/14/07)
19.1 Governmental Services Program (Amended 07/09/07)
19.2 Sentence Credit for Work (Added 2/13/04)
19.3 Inmate Wage/Time Credit Program (Amended 10/14/05)
20.1 Educational Programs and Educational Good Time (Amended 4/10/06)
22.1 Privilege Trips (Amended 10/14/05)
23.1 Religious Programs (Amended 3/10/08[~~1/15/08~~][~~1/9/07~~])
25 2 Public Official Notification of Release of an Inmate (Amended 10/14/05)
25.3 Prerelease Program (Effective 11/15/06)
25.4 Institutional Inmate Furloughs (Amended 07/09/07)
25 6 Community Center Program (Amended 07/09/07)
25 8 Extended Furlough (Amended 4/12/05)
25.10 Administrative Release of Inmates (Amended 10/14/05)
25.11 Victim Notification (Amended 10/14/05)
26.1 Citizen Involvement and Volunteer Service Program (Added 9/15/04)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m.

JOHN D. REES, Commissioner
APPROVED BY AGENCY: January 14, 2008
FILED WITH LRC: January 15, 2008 at 9 a.m.
CONTACT PERSON: KAREN S. Howard, Justice & Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-8215, fax (502) 564-6686.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(As Amended at ARRS, March 10, 2008)

501 KAR 6:080. Department of Corrections manuals [~~manual~~].

RELATES TO. KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the department or any of its divisions. This administrative regulation incorporates by reference the manuals that [~~division therein. These manuals~~] are referenced in policies and procedures for the Department of Corrections.

Section 1. Incorporation by Reference. (1) "Department of Corrections Manuals," March 10,[January 15,] 2008 are [November 15, 2006 ", is] incorporated by reference. Department of Corrections Manuals includes:

(a) Classification Manual (Amended 4/15/02); and

(b) Kentucky Department of Corrections Religion Reference Manual (Added 3/10/08[1/15/08]) [Inmate Religious Beliefs and Practices Technical Reference Manual, U.S. Department of Justice, Federal Bureau of Prisons, 3/27/2002 edition].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601 [Office of Legal Services, Department of Corrections, 275 E. Main Street, PO Box 2400, Frankfort, Kentucky 40602-2400], Monday through Friday, 8 a.m. to 4:30 p.m.

JOHN D. REES, Commissioner

APPROVED BY AGENCY: January 14, 2008

FILED WITH LRC: January 15, 2008 at 9 a.m.

CONTACT PERSON: Karen S. Howard, Justice & Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-8215, fax (502) 564-6686.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(As Amended at ARRS, March 10, 2008)

501 KAR 6:160. Correctional Industries.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.200, 439.470, 439.590, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the department or any of its divisions. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation establishes the policies and procedures for Correctional Industries. [196.035, 197.020, 439.470, 439.590 and 439.640 authorizes the commissioner to adopt, amend or rescind administrative regulations necessary and suitable for the proper administration of the department or any division therein.]

Section 1. Incorporation by Reference. (1) "Correctional Industries Policies and Procedures," March 10,[January 15,] 2008, are incorporated by reference. Correctional Industries Policies and Procedures include:

CI 01-04-02 Code of Ethics, Prohibited Employee Conduct (Added 3/10/08[1/15/08])

[Pursuant to the authority vested in the Department of Corrections the following policies and procedures revised September 15, 1992 are incorporated by reference and shall be referred to as Correctional Industries Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Department of Corrections, 2439 Lawrenceburg Road, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

CI 01-01-01 Establishment and Issuance of Policies and Procedures (Amended 9/15/92)
CI 01-01-02 Administration and Use of the Policy and Procedures Manual, Including Issuance, Revision and Dissemination (Amended 9/15/92)
CI 01-02-01 Organization of Correctional Industries
CI 01-03-01 Annual Planning Document (Amended 9/15/92)
CI 01-04-01 Personnel Records
CI 01-04-04 New Employee Orientation
CI 02-01-01 Budgeting (Amended 9/15/92)
CI 02-02-01 Purchasing (Amended 9/15/92)
CI 02-03-01 Equipment Inventory and Other Nonexpendable Items (Amended 9/15/92)
CI 02-04-01 Accounts Receivable (Amended 9/15/92)
CI 03-01-01 Raw Material and Work In Process Inventory
CI 03-01-02 Finished Goods Inventory (Amended 9/15/92)
CI 03-01-03 Stocking of Warehouse]
CI 03-02-01 Delivery of Goods and Services (Amended 3/10/08[1/15/08])
CI 03-02-02 Pickup of Reupholstery and Repair Items (Amended 3/10/08[1/15/08])
[CI 04-01-01 Marketing
CI 04-02-01 Advertising Correctional Industry Products and Services
CI 04-02-02 Correctional Industries Catalog
CI 04-02-03 Prototypes and Samples Not For Sale
CI 04-03-01 Pricing of Correctional Industries Products
CI 04-03-02 Preparation of Bids]
CI 04-03-03 Customer Orders (Amended 3/10/08[1/15/08])
CI 04-03-04 Sale of Industry Products to Private Individuals (Amended 1/15/08[9/15/92])
[CI 04-03-05 Sales and Sales Reporting]
CI 04-04-01[04-04-02] Warranty of Products (Amended 3/10/08[1/15/08])
CI 05-01-01 Inmate Job Descriptions (Amended 3/10/08[1/15/08])
CI 05-01-02 Equal Opportunity Employment (Amended 3/10/08[1/15/08])
CI 05-01-03 Job Performance Evaluations (Amended 3/10/08[1/15/08])
CI 05-01-04 Inmate Compensation (Amended 3/10/08[1/15/08])
CI 05-01-05 Job Assignments (Amended 3/10/08[1/15/08])
CI 05-02-01 Inmate Orientation (Amended 3/10/08[1/15/08])
CI 05-03-01 Standards for Working in Correctional Industries Plants (Amended 3/10/08[1/15/08])
CI 06-01-01 Safety and Working Conditions (Amended 3/10/08[1/15/08])
CI 06-02-01 Key and Tool Control (Amended 3/10/08[1/15/08])
CI 06-02-02 Searches (Amended 3/10/08[1/15/08])
[CI 06-02-03 Use of State Vehicles]
CI 06-03-01 Inmate Supervision (Amended 3/10/08[1/15/08])
[CI 07-01-01 Production Scheduling
CI 07-01-02 New Production Development (Amended 9/15/92)]
CI 07-02-01 Quality Control (Amended 3/10/08[1/15/08])
CI 07-03-01 Data Entry Unit Procedures (Added 3/10/08[1/15/08])

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m.

JOHN D. REES, Commissioner

APPROVED BY AGENCY: January 15, 2008

FILED WITH LRC: January 15, 2008 at 9 a.m.

CONTACT PERSON: Karen S. Howard, Justice & Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-8215, fax (502) 564-6686.

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
Department of Labor
Office of Occupational Safety and Health
(As Amended at ARRS, March 10, 2008)

803 KAR 2:308. Personal protective equipment.

RELATES TO: KRS [Chapter]338.051(3), 338.061, [338,] 29 C.F.R. [Part] 1910.132-1910.138[-138 and Appendices]

STATUTORY AUTHORITY: KRS 338.051(3), 338.061

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires [authorizes] the Kentucky Occupational Safety and Health Standards Board to adopt occupational safety and

health administrative regulations [~~necessary to accomplish the purposes of KRS Chapter 338~~]. 29 C.F.R. 1910.132 to 1910.138 and Appendices **establish**[~~establishes~~] the federal requirements relating to personal protective equipment. This [~~The following~~] administrative regulation establishes [~~the~~] personal protective equipment standards to be enforced by the Office of Occupational Safety and Health in[~~the area of~~] general industry.

Section 1. Definitions. (1) "C.F.R." means Code of Federal Regulations.

(2) "Employee" is defined in KRS 338.015(2).

(3)[~~(2)~~] "Employer" is defined in KRS 338.015(1).

(4)[~~(3)~~] "Established federal standard" is defined in KRS 338.015(10).

(5)[~~(4)~~] "National consensus standard" is defined in KRS 338.015(9).

(6)[~~(5)~~] "Standard" is defined in KRS 338.015(3).

(7)[~~(6)~~] "U.S. Department of Labor" means Kentucky Department of Labor[~~, U.S. 127 South, Frankfort, Kentucky 40601,~~] or the U.S. Department of Labor.

Section 2. Except as modified by the definitions in Section 1 of this administrative regulation, general industry shall comply with the following federal regulations published by the Office of the Federal Register, National Archives and Records Services, General Services Administration:

(1) 29 C.F.R. 1910.132 through 29 C.F.R. 1910.138, and Appendices, revised July 1, 2007; and

(2) The amendment to 29 C.F.R. 1916.132 published in the November 15, 2007, Federal Register, Volume 72, Number 220 (72 Fed. Reg. 64428). [~~(1) Until midnight of February 23, 2007, general industry shall comply with the following provisions of this subsection, except as modified by the definitions in Section 1 of this administrative regulation:~~

~~(a) 29 C.F.R. Part 1910.132-138, Subpart I, "Personal Protective Equipment", revised as of July 1, 2004, and~~

~~(b) 29 C.F.R. 1910.134, "Respiratory Protection" and Appendix A to 29 C.F.R. 1910.134, revised as of August 4, 2004.~~

~~(2) Beginning February 24, 2007, general industry shall comply with the personal protective equipment requirements established in 29 C.F.R. 1910.132 - 1910.138, revised as of August 24, 2006, except as modified by the definitions in Section 1 of this administrative regulation.~~]

JAMES R. GRAY, Chairman

APPROVED BY AGENCY: January 8, 2008

FILED WITH LRC. January 10, 2008 at 4 p.m.

CONTACT PERSON: Chuck Stribling, CSP, Safety Standards Specialist, Kentucky Department of Labor, 1047 U.S. HWY 127 South, Suite 4, Frankfort, Kentucky 40601, phone (502) 564-3070, fax (502) 564-1682.

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
Department of Labor
Office of Occupational Safety and Health
(As Amended at ARRS, March 10, 2008)

803 KAR 2:404. Personal protective and lifesaving equipment.

RELATES TO: KRS 338.051(3), 338.061, 29 C.F.R. 1926.95-1926.107[~~107~~][~~1910~~]

STATUTORY AUTHORITY: KRS 338.051(3), 338.061[~~, 29 C.F.R. 1926~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires [~~and 338.061 authorize~~] the Kentucky Occupational Safety and Health Standards Board to [~~adopt and~~] promulgate occupational safety and health administrative regulations. 29 C.F.R. 1926.95 to 1926.107 **establish**[~~107 establishes~~] the federal requirements relating to personal protective and lifesaving equipment. This administrative regulation establishes personal protective and lifesaving equipment standards to be enforced by the Office of Occupations Safety and Health in the construction industry. [~~KRS 338.061(2) provides that the board may incorporate by reference established federal standards and national consensus standards is also given to the board. The following administrative regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of construction.~~]

Section 1. Definitions. (1) "Assistant Secretary" means Commissioner of Labor, Kentucky Department of Labor or Executive Director, Office of Occupational Safety and Health, Kentucky Department of Labor.

(2) "C.F.R." means Code of Federal Regulations.

(3) "Employee" is defined in KRS 338.015(2).

(4) "Employer" is defined in KRS 338.015(1).

(5) "OSHA" means the Occupational Safety and Health Administration or the Kentucky Office of Occupational Safety and Health.

Section 2. The construction industry shall comply with the following federal regulations published by the Office of the Federal Register, National Archives and Records Services, General Services Administration, except as modified by the definitions in Section 1 of this administrative regulation:

(1) 29 C.F.R. 1926.95 through 29 C.F.R. 1926.107, revised July 1, 2007; and

(2) The amendment to 29 C.F.R. 1926.95 published in the November 15, 2007 Federal Register, Volume 72, Number 220 (72 Fed. Reg. 64429). [~~Incorporation by Reference. (1) The following material is incorporated by reference:~~

~~(a) 29 C.F.R. 1926.95-1926.107, Subpart E, "Personal Protective and Lifesaving Equipment", published by the Office of the Federal Register, National Archives and Records Services, General Services Administration, revised as of July 1, 1997, is incorporated by reference.~~

~~(b) The revisions to 29 C.F.R. 1926.103, "Respiratory Protection", as published in the Federal Register, Volume 63, Number 5, January 8, 1998, is incorporated by reference.~~

~~(2) This material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601, during the hours of 8 a.m. - 4:30 p.m. (ET), Monday through Friday.~~]

JAMES R. GRAY, Chairman

APPROVED BY AGENCY: January 8, 2008

FILED WITH LRC: January 10, 2008 at 4 p.m.

CONTACT PERSON: Chuck Stribling, CSP, Safety Standards Specialist, Kentucky Department of Labor, 1047 U.S. HWY 127 South, Suite 4, Frankfort, Kentucky 40601, phone (502) 564-3070, fax (502) 564-1682.

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
Department of Public Protection
Office of Insurance
Property and Casualty Division
(As Amended at ARRS, March 10, 2008)

806 KAR 13:150. Property and casualty rate and rule filings.

RELATES TO: KRS 304.1-010, 304.1-050, 304.4-010(2), 304.13-011, 304.13-031, 304.13-051, 304.13-061, 304.13-081, 304.21-010, 304.22-020, 304.23-010

STATUTORY AUTHORITY: KRS 304.2-110[~~, 304.4-010~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes the executive director [~~Commissioner of Insurance~~] to promulgate [~~reasonable administrative rules and~~] administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code, defined in KRS 304.1-010 [~~to 304.99-152~~]. This administrative regulation establishes [~~property and casualty~~] rate and rule filing procedures for property, casualty, surety, title, and mortgage guaranty insurance.

Section 1. Definitions. (1) "Executive director" is defined in

KRS 304 1-050(1).

(2) "Loss cost" means the loss cost per unit of exposure excluding all loss adjustment expenses.

(3) "Office" is defined in KRS 304 1-050(2).

(4) "Rate" is defined in KRS 304.13-011(22)

(5) "Supplementary rating information" is defined in KRS 304 13-011(2).

Section 2. (1)(a) Paper filings shall include two (2) full document sets, on 8 1/2" x 11" white paper, with three (3) copies of Form PC TD-1, "Property & [and] Casualty Transmittal Document" and a self-addressed stamped envelope.

(b) Section 12(1)(f) through (nn) of this administrative regulation shall be used, as appropriate, for guidance in conjunction with filing the Form PC TD-1, "Property & Casualty Transmittal Document".

(2) A property and casualty insurance company, advisory organization, or statistical agent may file a rate or supplementary rating information **on the commissioner's electronic system for rate and form filings via the Web site www.serff.com**[in an electronic format established by the National Association of Insurance Commissioners] An electronic filing shall be in lieu of a paper filing

Section 3. (1) Every insurer, other than life or health insurers, required by law or licensed advisory organization, or statistical agent permitted by law to file rates, loss costs, supplementary rating information [rating plans, rating rules, underwriting rules or guidelines], statistical plans, advertising and sales materials, or other documents shall file with these documents a [fully] completed and signed Form PC TD-1, "Property and Casualty Transmittal Document." [If the filing is being made by a third party, a signed letter of authorization from the company shall be submitted.]

(2) If the filing is being made by a third party, a signed letter of authorization from the insurer [company] shall be submitted. [Form F-1A P & C, "Face Sheet and Verification Form for Individual Insurers", and if applicable Form F-1G P & C, "Group Member Companies Included in this Filing".

Section 2. All filings shall include two (2) full document sets with three (3) cover letters and a self-addressed stamped envelope.]

Section 4. (1)[3.] A filing may include any number of documents, filed together on a particular date, pertaining to a single type of insurance from the "Uniform Property and Casualty Product Coding Matrix" [line of insurance].

(2) Rates, loss costs, and supplementary rating information [rules] shall be filed separately from forms.

Section 5. All rate, loss cost, or supplementary rating information filings shall be accompanied by Form PC RRFS-1, "Rate/Ruling Filing Schedule." [4. (1) All rate or loss cost filings shall also be accompanied by Form S-1 P & C, "Filing Synopsis for Rates".

(2) All rate or loss cost filings shall include a separate Form S-1 P & C for each company included in the filing.

Section 5. (1) All rule filings shall be accompanied by Form S-3 P & C, "Filing Synopsis for Rules".

(2) All rule filings shall include a separate Form S-3 P & C for each company included in the filing.]

Section 6. (1)(a) Rate [All rate] filings referencing loss costs formulated by an [any] advisory organization shall be accompanied by Form LC-1 P & C, "Calculation of Loss Cost Multiplier[, Calculation of Loss Cost Multiplier]".

(b) A [All] rate filing [filings] referencing loss costs formulated by an advisory organization in which an expense constant is used shall be accompanied by Form LC-2 P & C, "Expense Constant Supplement", **Calculation of Loss Cost Multiplier**.

(2) A [All] rate filing [filings] to which this section applies shall include separate Forms LC-1 P & C; Calculation of Loss Cost Multiplier; and LC-2 P&C; Expense Constant Supplement, Calculation of Loss Cost Multiplier[, "Calculation of Loss Cost Multiplier" and LC-2 P & C, "Expense Constant Supplement"] for each company included in the filing

Section 7. (1)(a) An insurer filing rates or supplement rating information [Any rate filing, or any filing containing a rule, or underwriting rule or guideline that impacts a rate or rates submitted by an insurer, or insurance group,] regarding personal automobile insurance shall submit premium comparison information [shall be accompanied by Form SG-1 P & C, "Shopper's Guide Rate Comparison for Auto Insurance" which shall be submitted] on-line via the Office [Department] of Insurance website if any rate or supplementary rating information [rule] change impacts the premium information previously submitted [reported on form SG-1 P & C].

(b) If there is not an [If there is no] impact to premium information previously submitted [filed on Form SG-1 P & C on-line], an explanatory statement shall be included in Form PC TD-1, "Property and Casualty Transmittal Document." [the cover letter.]

(2)(a) An insurer filing rates or supplemental rating information [Any rate filing, or any filing containing a rule, or underwriting rule or guideline that impacts a rate or rates submitted by an insurer, or insurance group] regarding homeowners' insurance shall submit premium comparison information [shall be accompanied by Form SG-2 P & C, "Shopper's Guide Rate Comparison for Homeowners' Insurance" which shall be submitted] on-line via the Office [Department] of Insurance website if any rate or supplementary rating information [rule] change impacts the premium information previously submitted [reported on Form SG-2 P & C].

(b) If there is not an [If there is no] impact to premium information previously submitted [filed on Form SG-2 P & C] on-line, an explanatory statement shall be included in Form PC TD-1 "Property and Casualty Transmittal Document." [the cover letter.]

(3) A filing [All filings] to which this section applies shall include a separate premium comparison information [Form SG-1 P & C or SG-2 P & C] for each company included in the filing.

Section 8. (1) A property and casualty rate or supplementary rating information [rule] filing may include rates or supplementary rating information for a particular insurance company[,] or group of insurance companies [if the material is identical to all companies].

(2) If the filing is made for a group of insurance companies, Form PC TD-1, "Property and Casualty Transmittal Document" [Form F-1G P & C] shall [be filed to] identify all [member] companies [of the group that are to be] included in the filing.

Section 9. (1) Filing fees shall be paid on a per company basis.

(2) Pursuant to KRS 304.4-010(2), all fees and charges payable under the insurance code are required to be collected in advance.

(3) The period of time in which the executive director [commissioner] may affirmatively approve or disapprove the filing shall not begin to run until both the complete filing and appropriate fee are received by the office [department].

Section 10. (1) An insurer that is a member, subscriber, or service purchaser [Insurers that are members, subscribers, or service purchasers] of an advisory organization or statistical agent may choose to adopt all or some of the loss costs, [rating plans, rating rules, rating schedules, other] supplementary rating information, [underwriting rules or guidelines,] or statistical plans of that advisory organization or statistical agent.

(2) If an insurer chooses to adopt only a specific filing of an advisory organization or statistical agent, it shall do so in accordance with the procedures established in this administrative regulation, and shall clearly identify which filing of the advisory organization or statistical agent it is adopting.

(3)(a) If an insurer chooses to adopt all of the current and future loss costs, [rating plans, rating rules, rating schedules, other] supplementary rating information, [underwriting rules or guidelines,] or statistical plans of an advisory organization or statistical agent, it shall [may]:

1. Provide written authorization to the advisory organization or statistical agent to notify the executive director [commissioner] that the insurance company shall adopt all of the loss costs, [rating

~~plans, rating rules, rating schedules, other~~] supplementary rating information, [~~underwriting rules or guidelines,~~] or statistical plans that the advisory organization or statistical agent files on its behalf; or

2. File written notice with the executive director [~~commissioner~~] that the insurer is adopting by reference all of the current and future loss costs, [~~rating plans, rating rules, rating schedules, other~~] supplementary rating information, [~~underwriting rules or guidelines,~~] or statistical plans that the advisory organization or statistical agent files.

(b)1. If required by law to file its rates, an insurer may file a loss cost multiplier, in accordance with this section and Sections 2[~~1~~] through 9[~~10~~][~~6~~] of this administrative regulation, to adopt the prospective loss costs filed by an advisory organization.

2. The insurer shall:

a. [~~may~~] Apply its loss cost multiplier to a specific loss cost filing,[~~,~~] or

b. [~~may~~] Elect to have its multiplier apply to all future loss costs filed by the advisory organization.

(c)1. The advisory organization or statistical agent shall file the written notice of authorization referred to in paragraphs (a) and (b) of this subsection with the executive director [~~commissioner~~] and shall pay the appropriate fee, pursuant to KRS 304 4-010 and 806 KAR 4 010.

2. The fee shall be paid for each company sending a written authorization and on the basis of each line of insurance.

(d)1. If an insurer that previously authorized an advisory organization or statistical agent to file loss costs, [~~rating plans, rating rules, rating schedules, other~~] supplementary rating information, [~~underwriting rules or guidelines,~~] or statistical plans on its behalf chooses to not adopt certain loss costs, [~~rating plans, rating rules, rating schedules, other~~] supplementary rating information, [~~underwriting rules or guidelines,~~] or statistical plans as filed on its behalf by the advisory organization or statistical agent, or changes its loss cost multiplier, the insurer shall file a notice of the nonadoption or change of its loss cost multiplier with the executive director [~~commissioner~~] and shall pay the appropriate filing fee, pursuant to KRS 304 4-010 and 806 KAR 4·010.

2 a. If an insurer chooses to delay the effective date of its adoption of an advisory organization or statistical agent filing, it shall submit a letter requesting the revised date upon which it will adopt the filing.

b. The delayed adoption date shall be within six (6) months of the original effective date.

c. If additional time is needed, a second letter shall be submitted, requesting a revised delayed adoption date.

d. All revised delayed adoption dates shall be within one (1) year of the original effective date as filed by the advisory organization or statistical agent.

3. If an insurer fails to adopt the advisory organization or statistical agent filing within one (1) year of the original effective date as filed by the advisory organization or statistical agent, the insurer shall submit a filing indicating it is not adopting.

Section 11. A property and casualty insurance company, advisory organization and statistical agent [~~Property and casualty insurance companies, advisory organizations, and statistical agents~~] may file its [~~their~~] prospective loss cost [~~costs~~] or rate **on the commissioners' electronic system for rate and form filings via the Web site www.serff.com** [~~rates~~] [~~in an electronic format established by the National Association of Insurance Commissioners, in the manner prescribed by that format~~]. An [~~Any~~] electronic filing shall substitute for any physical filing.

Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Uniform Property and Casualty Product Coding Matrix", (March 1, 2007).

(b) Form PC TD-1, "Property and Casualty Transmittal Document", (March 1, 2007);

(c) Form PC RRFS-1, "Rate/Rule Filing Schedule", (March 1, 2007).

(d) LC-1 P&C, "Calculation of Loss Cost Multiplier", (October 2007); [~~(10/2007)~~]

(e) LC-2 P&C, "Expense Constant Supplement, Calculation of Loss Cost Multiplier with Expense Constant", (October 2007);

(f) "Kentucky Office of Insurance Review Requirements Checklist, Auto Guaranty and Home Warranty", (2nd Edition, 2/2008);

(g) "Kentucky Office of Insurance Review Requirements Checklist, Motor Vehicle Extended Warranty Reimbursement Insurance", (2nd Edition, 2/2008);

(h) "Kentucky Office of Insurance Review Requirements Checklist, Aviation", (2nd Edition, 02/2008);

(i) "Kentucky Office of Insurance Review Requirements Checklist, Boatowners", (2nd Edition, 02/2008);

(j) "Kentucky Office of Insurance Review Requirements Checklist, Boiler & Machinery (Equipment Breakdown)", (2nd Edition, 02/2008);

(k) "Kentucky Office of Insurance Review Requirements Checklist, Commercial Auto", (2nd Edition, 02/2008);

(l) "Kentucky Office of Insurance Review Requirements Checklist, Commercial Farm", (2nd Edition, 02/2008);

(m) "Kentucky Office of Insurance Review Requirements Checklist, Commercial General Liability", (2nd Edition, 02/2008);

(n) "Kentucky Office of Insurance Review Requirements Checklist, Commercial Inland Marine", (2nd Edition, 02/2008);

(o) "Kentucky Office of Insurance Review Requirements Checklist, Commercial Property", (2nd Edition, 2/2008);

(p) "Kentucky Office of Insurance Review Requirements Checklist, Commercial Umbrella (Excess Liability)", (2nd Edition, 02/2008);

(q) "Kentucky Office of Insurance Review Requirements Checklist, Credit (Vendor Single/Dual Interest; Unemployment/Layoff, Collateral Protection; Property; GAP)", (2nd Edition, 2/2008);

(r) "Kentucky Office of Insurance Review Requirements Checklist, Crime", (2nd Edition 2/2008);

(s) "Kentucky Office of Insurance Review Requirements Checklist, Crop", (2nd Edition, 2/2008);

(t) "Kentucky Office of Insurance Review Requirements Checklist, Earthquake (monoline)", (2nd Edition, Revised 2/2008);

(u) "Kentucky Office of Insurance Review Requirements Checklist, Employment Practices Liability", (2nd Edition, Revised 2/2008);

(v) "Kentucky Office of Insurance Review Requirements Checklist, Flood (monoline)", (2nd Edition, Revised 2/2008);

(w) "Kentucky Office of Insurance Review Requirements Checklist, Glass (Monoline)", (2nd Edition, Revised 2/2008);

(x) "Kentucky Office of Insurance Review Requirements Checklist, Livestock, Equine and Pet Insurance", (2nd Edition, 2/2008);

(y) "Kentucky Office of Insurance Review Requirements Checklist, Medical Professional Liability (Physicians & Dentists; Hospital & Health Facilities; Other Medical)", (2nd Edition, 2/2008);

(z) "Kentucky Office of Insurance Review Requirements Checklist, Mortgage Guaranty", (2nd Edition, 2/2008);

(aa) "Kentucky Office of Insurance Review Requirements Checklist, Motorcycle", (2nd Edition, 2/2008);

(bb) "Kentucky Office of Insurance Review Requirements Checklist, Motor Home", (2nd Edition, 2/2008).

(cc) "Kentucky Office of Insurance Review Requirements Checklist, Personal Dwelling, Homeowners, Mobile homeowners, and Farm owners including primary residence)", (2nd Edition, Revised 2/2008);

(dd) "Kentucky Office of Insurance Review Requirements Checklist, Personal General Liability and Personal Umbrella/Excess", (2nd Edition, Revised 2/2008);

(ee) "Kentucky Office of Insurance Review Requirements Checklist, Personal Inland Marine and Recreational Vehicle not requiring vehicle registration", (2nd Edition, Revised 2/2008);

(ff) "Kentucky Office of Insurance Review Requirements Checklist, Personal Auto", (2nd edition, Revised 2/2008);

(gg) "Kentucky Office of Insurance Review Requirements Checklist, Pollution Legal Liability (Environmental Legal Liability)", (2nd Edition, 2/2008);

(hh) "Kentucky Office of Insurance Review Requirements Checklist, Professional Liability (Directors & Officers; Physicians &

Dentists; Other Medical Personnel;) (Misc. Professional; Lawyers; Hospital & Health Facilities)", (2nd Edition, 2/2008);

(ii) "Kentucky Office of Insurance Review Requirements Checklist, Service Contract Reimbursement Insurance", (2nd Edition, 2/2008);

(jj) "Kentucky Office of Insurance Review Requirements Checklist, Stop Loss//Excess of Loss (Self-Funded--Workers' Compensation; HMO & Managed Care; General Liability; Professional Liability & Misc Stop Loss) (Stop loss for Self-Funded Health Plans must be filed with the Health Division of KOI even if the filer holds a P&C Certificate of Authority)", (2nd Edition, 2/2008);

(kk) "Kentucky Office of Insurance Review Requirements Checklist, Surety (Fidelity, Suretyship and Financial Institution Bonds)", (2nd Edition 2/2008);

(ll) "Kentucky Office of Insurance Review Requirements Checklist, Title", (2nd Edition, 2/2008);

(mm) "Kentucky Office of Insurance Review Requirements Checklist, Travel & Accident", (2nd Edition, 2/2008); and

(nn) "Kentucky Office of Insurance Review Requirements Checklist, Workers' Compensation", (2nd Edition, 2/2008). [~~(10/2007)~~] [~~Form F-1A P & C, "Face Sheet and Verification Form for Individual Insurers", June, 2000 edition, Department of Insurance.~~

~~(b) Form F-1G P & C, "Group Member Companies Included in this Filing", May, 2000 edition, Department of Insurance.~~

~~(c) Form S-1 P & C, "Filing Synopsis for Rates", January, 1999 edition, Department of Insurance.~~

~~(d) Form S-3 P & C, "Filing Synopsis for Rules", January, 1999 edition, Department of Insurance.~~

~~(e) Form LC-1 P & C, "Calculation of Loss Cost Multiplier", August, 2000 edition, Department of Insurance.~~

~~(f) Form LC-2 P & C, "Expense Constant Supplement", August, 2000 edition, Department of Insurance.~~

~~(g) Form SG-1 P & C, "Shopper's Guide Rate Comparison for Personal Auto Insurance", May 1, 2002 edition, Department of Insurance.~~

~~(h) Form SG-2 P & C, "Shopper's Guide Rate Comparison for Homeowners' Insurance", May 1, 2002 edition, Department of Insurance~~]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from the Office [~~Department~~] of Insurance, 215 West Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. Forms may also be obtained on the department's Internet Web site at: http://doi.ppr.ky.gov or the web site of the National Association of Insurance Commissioners at www.naic.org.

TIMOTHY LEDONNE, Acting Executive Director, Commissioner
ROBERT D. VANCE, Secretary

APPROVED BY AGENCY: February 14, 2008

FILED WITH LRC: February 15, 2005 at 11 a.m.

CONTACT PERSON: DJ Wasson, Kentucky Office of Insurance, P. O. Box 517, Frankfort, Kentucky 40602, phone (502) 564-0888, fax (502) 564-1453.

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
Department of Public Protection
Office of Insurance
Property and Casualty Division
(As Amended at ARRS, March 10, 2008)

806 KAR 14:006. Property and casualty insurance form filings.

RELATES TO: KRS 304.1-050, 304.4-010, 304.14-120, 304.14-190, 304.21-010, 304.13-051, 304.22-020, 304.23-010

STATUTORY AUTHORITY: KRS 304.2-110[~~, 304.4-010, 304.12-010, 304.12-020, 304.12-160~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes [~~provides that~~] the executive director to [~~Commissioner of Insurance may~~] promulgate reasonable [~~administrative rules and~~] administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code as defined in KRS 304.1-010. This administrative regulation provides [~~property and casualty~~] form filing procedures for property, casualty, surety, title, and mortgage guaranty insurance.

Section 1. Definitions. (1) "Executive director" is defined in KRS 304.1-050(1).

(2) "Office" is defined in KRS 304.1-050(2).

Section 2. (1)[~~(1)~~] Every insurer, other than life or health insurers, required by law or licensed advisory organization or form provider permitted by law to file policy forms or endorsements, advertising and sales materials, or other documents other than those pertaining to rates shall file with these documents a [~~fully~~] completed and signed Form PC TD-1, "Property & Casualty Transmittal Document" **using the appropriate guidance incorporated by reference in 806 KAR 13:150, Section 12(1)(f) through (nn).**

(2) [-]If the filing is being made by a third party, a signed letter of authorization from the insurer shall be submitted. [~~Form F-1A P&C, "Face Sheet and Verification Form for Individual Insurers", and if applicable, Form F-1G P&C, "Group Member Companies Included in this Filing".~~]

Section 3 [~~2.~~] (1) All paper filings shall include two (2) full sets of documents on 8 1/2 in x 11 in white paper, with three (3) copies of Form PC TD-1, Property & Casualty Transmittal Document" [~~cover letters~~] and a self-addressed stamped envelope.

(2)(a) A property and casualty insurance company, advisory organization, or form provider may file a form in an electronic format established by the National Association of Insurance Commissioners.

(b) An electronic filing shall be in lieu of a paper filing.

Section 4. (1)[~~3.~~] A filing may include any number of documents, filed together on a particular date, pertaining to a single type of insurance from the "Uniform Property & Casualty Product Coding Matrix" [~~line of insurance~~].

(2) Forms shall be filed separately from rates and rules.

Section 5 [~~4.~~][~~(1)~~] All form filings shall[~~also~~] be accompanied by a Form PC FFS 1, "Form Filing Schedule" [~~Form S-2 P & C, "Filing Synopsis for Forms", and Form F-2 P & C, "Forms Index".~~

~~(2) All form filings shall include a separate Form S-2 P & C for each company included in the filing.~~]

Section 6. (1) **A policy or form shall not**[~~5.~~][~~No policy or form may~~] be used in Kentucky until it has been approved.

(2) If the rates pertaining to a form are required by law to be filed or approved, the form **shall**[~~may~~] not be used until the appropriate rates have been filed or approved as required in accordance with KRS 304.14-120 and 304.13-051.

Section 7. (1)[~~6.~~] A property and casualty form filing may include forms for a particular insurance company or group of insurance companies.

(2) If the filing is made for a group of insurance companies, Form PC TD-1, "Property & Casualty Transmittal Document" shall [~~Form F-1G P&C is to be filed to~~] identify all [~~member~~] companies [~~of the group that are to be~~] included in the filing.

Section 8. (1)[~~7.~~] Filing fees shall be paid on a per-company basis.

(2) The [~~Since by the provisions of KRS 304.4-010 all fees and charges payable under the insurance code are required to be collected in advance, the~~] period of time in which the executive director [~~commissioner~~] may[~~affirmatively~~] approve or disapprove the filing shall not begin to run until both the complete filing and appropriate fee, in accordance with KRS 304.4-010 and 806 KAR 4:010, are received by the office [~~department~~].

Section 9.[~~8.~~] (1) Insurers that are members, subscribers, or service purchasers of an advisory organization or form provider permitted by law to file policy forms or endorsements, advertising and sales materials, or other documents other than those pertain-

ing to rates may choose to adopt all or some of the forms of that advisory organization or form provider.

(2) If[When] an insurer chooses to adopt only a specific filing of an advisory organization or form provider, it shall do so in accordance with the procedures set forth in this administrative regulation, and shall clearly identify which filing of the advisory organization or form provider it is adopting

(3)(a) (If)[When] an insurer chooses to adopt all of the policy forms or endorsements, advertising and sales materials, or other documents other than those pertaining to rates of an advisory organization or form provider, it shall[may].

1. Provide written authorization to the advisory organization or form provider to file those materials on the insurer's behalf; or

2. File written notice with the executive director [commissioner] that it is adopting by reference all the current and future policy forms or endorsements, advertising and sales materials, or other documents other than those pertaining to rates that the advisory organization or form provider files.

(b)1. The advisory organization or form provider shall file the written notice of authorization referred to in paragraph (a)1 of this subsection with the executive director [commissioner] and shall pay the appropriate fee, in accordance with KRS 304 4-010 and 806 KAR 4·010.

2. The fee shall be paid for each company sending the written authorization and on the basis of each line of insurance.

(c)1. If[When] an insurer that previously authorized an advisory organization or forms provider to file on its behalf as referred to in paragraph (a)1 of this subsection, or an insurer that filed written notice with the executive director [commissioner] to adopt by reference as referred to in paragraph (a)2 of this subsection chooses not to [not] adopt certain policy forms or endorsements, advertising and sales materials, or other documents other than those pertaining to rates as filed by the advisory organization or form provider, the insurer shall file a notice of the nonadoption with the executive director [commissioner] and shall pay the appropriate filing fee, in accordance with KRS 304 4-010 and 806 KAR 4 010.

2.a. If an insurer chooses to delay the effective date of its adoption of an advisory organization or forms provider filing, it shall submit [to the department] a letter requesting the revised date upon which it shall[will] adopt the filing

b. The delayed adoption date shall be within six (6) months of the original effective date.

c. If additional time is needed, a second letter shall be submitted to the office [department], requesting a revised delayed adoption date.

d. All revised delayed adoption dates shall be within one (1) year of the original effective date as filed by the advisory organization or forms provider.

3. If an insurer does not adopt the advisory organization or forms provider filing within one (1) year of the original effective date as filed by the advisory organization or forms provider, the insurer shall submit [to the department] a nonadoption filing.

Section 10 [9.] If a filing includes a form which amends, replaces, or supplements a form which has been previously filed and not disapproved, it shall be accompanied by a letter of explanation from the filer setting forth the following:

(1) All [all] changes contained in the newly filed form;[,]

(2) The [the] effect, if any, the changes have upon the hazards purported to be assumed by the policy,[;] and

(3) An [an] explanation as to the effect on the applicable rates [applicable thereto]

Section 11 [10.] (1) Facsimile signatures of company officers, attorneys-in-fact, employees and representatives shall not be required and shall not be submitted with any filing.

(2) A change of signature of the executing officer on a policy form shall not, because of this change alone, require a new filing

Section 12.[11.] [Property and casualty insurance companies, advisory organizations and form providers may file their forms in an electronic format established by the National Association of Insurance Commissioners, in the manner prescribed by that format. Any electronic filing shall be in lieu of any physical filing.

Section 12.] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Uniform Property & Casualty Product Coding Matrix", (March 1, 2007);

(b) Form PC TD-1, "Property & Causality Transmittal Document", (March 1, 2007); and

(c) Form PC FFS-1, "Form Filing Schedule", (March 1, 2007) [Form F-1A P&C, "Face Sheet and Verification Form for Individual Insurers", June, 2000 edition, Department of Insurance.

(b) Form "F-1G P&C", "Group Member Companies Included in this Filing ", May, 2000 edition, Department of Insurance.

(c) Form F-2 P & C, "Forms Index", July, 1999 edition, Department of Insurance.

(d) Form S-2 P & C, "Filing Synopsis Form", January, 1999 edition, Department of Insurance.]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office [department] of Insurance, 215 West Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p m. Forms may also be obtained on the department's internet web site at: www.doi.state.ky us. or the Web site of the National Association of Insurance Commissioners at www.naic.org.

JULIE MIX MCPEAK, Executive Director
TIMOTHY J. LEDONNE, Commissioner
LLOYD R CRESS, Deputy Secretary
For TERESA J. HILL, Secretary
APPROVED BY AGENCY: November 14, 2007
FILED WITH LRC: November 15, 2007 at 10 a.m.
CONTACT PERSON: DJ Wasson, Kentucky Office of Insurance, P. O. Box 517, Frankfort, Kentucky 40602, phone (502) 564-0888, fax (502) 564-1453.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(As Amended at ARRS, March 10, 2008)

922 KAR 1:350. Family preparation.

RELATES TO: KRS 61.870-61.884, Chapter 151, 194A.060, 199.011(7), 202A.011(12), Chapter 211, 311.720(9), 311 840(3), 314.011(5), (7), and (9), 605.090, [605.100,] 620.030, 620.050, Chapter 625, 16 C.F.R. 1508 and 1509 [1000-1750], 45 C.F.R. Parts 160, 164, [45 C.F.R. 1355 34,] 8 U S C. 1151, 42 U.S.C. 671(a)(23)

STATUTORY AUTHORITY: KRS 194A.050(1), 199.472, 605.100(1)[, 605.150]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary for the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 605.100(1) requires the cabinet to arrange programs designed to provide for classification, segregation, and specialized treatment of children according to their respective problems, needs, and characteristics. KRS 199.472 authorizes [and 605.150 authorize] the cabinet to promulgate administrative regulations to establish the process of determining an applicant's capacity for foster or adoptive parenthood. This administrative regulation establishes criteria for resource homes and respite care providers caring for foster or adoptive children.

Section 1. Definitions. (1) "Applicant" means an individual or family, subject to approval by the cabinet as a resource home.

(2) "Commissioner" means commissioner of the Department for Community Based Services.

(3) [(3) "Department" means Department for Community Based Services.

(4)] "Health professional" means a person actively licensed [in Kentucky] as a:

(a) Physician as defined by KRS 311 720(9),

(b) Physician's assistant as defined by KRS 311.840(3),

(c) Advanced registered nurse practitioner as defined by KRS 314.011(7); or

(d) Registered nurse as defined by [in] KRS 314.011(5) under the supervision of a physician.

(4)[(5)] "Independent living services" means services provided to youth to assist them in the transition from the dependency of childhood to living independently.

(5)[(6)] "Medically-fragile child" means a child who has a medical condition as defined in Section 6(1)(b) of this administrative regulation.

(6)[(7)] "Professional experience" means paid employment or volunteer work in a setting where there is supervision and periodic evaluation.

(7)[(8)] "Resource home" means a home in which a parent is approved by the cabinet to provide services as specified in Section 3(12) of this administrative regulation.

(8)[(9)] "Respite care" means temporary care provided by a provider, as specified in Section 21 of this administrative regulation, to:

(a) Provide relief to the resource [foster] home parents; or

(b) Allow for an adjustment period for the child in out-of-home care.

(9)[(10)]"Specialized medically-fragile child" means a child determined by the cabinet to have a medical condition, documented by a physician, that is severe enough to require placement with a resource home parent who is a:

(a) Health professional;

(b) **Registered nurse as defined in KRS 314.011(5); or**

(c)[Registered nurse as defined in KRS 314.011(5); or

(e)] Licensed practical nurse as defined by [in] KRS 314.011(9).

Section 2. Out-of-home Placement in a Resource Home Providing Only Foster Care Services. (1) **Unless an exception is approved pursuant to subsection (2) of the section, the following requirements apply to resource homes providing only foster care services:**[An exception may be granted in limited situations for:]

(a) No more than five (5) children, including children under the custodial control of the cabinet and the resource home parent's own children living at home, shall reside in a resource home that provides only foster care services; [and]

(b) No more than two (2) children under age two (2), including children placed in out-of-home care by the cabinet and the resource home parent's own children, may reside at the same time in a resource home that provides only foster care services; and

(c) A medically fragile child shall be placed in [a placement other than] an approved medically fragile home.

(2) To request an exception to subsection (1) of this section, the following forms shall be submitted to designated [regional] cabinet staff within ten (10) working days of placement:

(a) DPP-112[-]A, Placement Exception Request; and

(b) DPP-112[-]B, Placement Exception [Resource Foster Exception] Plan, documenting the:

1. Reason the placement is in the best interest of the child; and

2. Specific support services to be provided.

(3) [Unless an exception is approved pursuant to subsection (2) of this section, no more than two (2) children under age two (2), including children placed in out-of-home care by the cabinet and the resource home parent's own children, may reside at the same time in a resource home that provides only foster care services][, unless an exception is approved pursuant to subsection (2) of this section][.

(4)] Cabinet staff shall inform the resource home parent of conditions related to the child in accordance with:

(a) KRS 605.090(1)(b); and

(b) KRS 605.090(6).

Section 3. General Requirements for a Resource Home Parent. (1)(a) Unless **an exception is** approved by designated [regional] cabinet staff, a resource home applicant shall **be**:

[(a) Be] at least twenty-one (21) years of age,[, and]

(b) **A resource home applicant shall show**[Show] proof of the applicant's United States citizenship or legal immigrant status, as described in 8 U.S.C. [Sec.]1151.

(2) A resource home applicant between eighteen (18) to twenty-one (21) years of age may be approved as a resource home parent if:

(a) The resource home applicant is related to the [a] child under the custodial control of the cabinet;

(b) The resource home applicant can meet the needs of the child; and

(c) Cabinet staff determines the placement is in the best interest of the child.

(3) A department employee who provides protection and permanency services may apply to adopt a child in the care and custody of the cabinet if the:

(a) Department employee:

1. Had no relationship with the child or a parent of the child prior to the termination of parental rights in accordance with KRS Chapter 625; or

2. Has adopted a sibling of the child available for adoption; and

(b) Commissioner approves the employee to adopt.

(4) A department employee who provides protection and permanency services shall be prohibited from becoming a respite care provider or resource home parent who provides foster care services or respite care for a child in the care and custody of the cabinet, regardless of the child's residence, unless the:

(a) Department employee was a resource home parent or a respite care provider for the child when employment with the department began; and

(b) Commissioner approves the employee to be a respite care provider or resource home parent who provides foster care services or respite care for the child.

(5) A married couple may apply to become resource home parents.

(6) A single unmarried person may apply to become a resource home parent.

(7) The decision to foster or adopt a child shall be agreed to by each adult member of the applicant's household.

(8)(a) Each adult member of the applicant's family shall submit a DPP-107, Health Information Required for Resource Home Applicants [Applicant] or Adult Household Members, completed:

1. By a health professional, stating that the individual is free of a:

a. Communicable or infectious disease; **and**[or]

b. Condition that presents a health or safety risk to a child placed in the applicant's home; and

2. As a part of:

a. The initial application; or

b. A resource home review pursuant to Section 17 of this administrative regulation.

(b) Each resource home parent applicant shall submit a DPP-107 current within one (1) year, completed by a health professional, attesting to the parent applicant's:

1. General health, including that the applicant is free of communicable diseases [tuberculosis]; and

2. Medical ability to care for a child placed in the applicant's home.

(9) Each resource home parent applicant shall submit a DPP-108, Health Information Required for Resource Home Applicants Regarding Dependent Children, for each child member of the applicant family.

(10) A resource home applicant shall have a source of income:

(a) Sufficient to meet the applicant's household expenses; and

(b) Separate from:

1. Foster [or resource home] care reimbursement; or

2. Adoption assistance.

(11) Unless specified in a contract between the cabinet and a child welfare agency that provides foster care services, a resource home parent shall accept a child for foster care only from the cabinet.

(12) An approved resource home parent shall be willing to:

(a) Provide foster care services for a child placed in out-of-home care by the cabinet;

(b) Adopt a child:

1. Whose parent's parental rights have been terminated; and
2. Who is under the custodial control of the cabinet;
(c) Provide respite care for a child under the custodial control of the cabinet; or
(d) Provide any combination of the services described in paragraphs (a) through (c) of this subsection.
(13) A resource home applicant shall provide to the cabinet:
(a) The names of three (3) personal references who:
1. Are not related to the applicant; and
2.a. Shall be interviewed by cabinet staff in person or by telephone; or
b. Shall provide letters of reference for the applicant; and
(b) Two (2) credit references
(14) Adult children of the resource home applicant who do not live in the home shall be contacted by cabinet staff regarding applicant's parenting history.
(15) If applicable, verification shall be obtained from the resource home applicant regarding:
(a) Previous divorce;
(b) Death of a spouse; and
(c) Present marriage.
(16) A resource home applicant who does not have custody of his or her own biological child shall provide:
(a) A copy of the visitation order, if applicable;
(b) A copy of the child support order; and
(c) Proof of current payment of child support.
(17) A resource home applicant and any member of the applicant's household shall submit to the background checks in accordance with 922 KAR 1:490.
(18) The cabinet shall perform background checks in accordance with criteria established in 922 KAR 1.490.

Section 4. Home Environment. (1)(a) Following approval as a resource home, the resource home may request written approval from designated [~~regional~~] cabinet staff to provide services as a certified.
1. Provider of supports for community living in accordance with 907 KAR 1:145; or
2. Family child care home in accordance with 922 KAR 2:100.
(b) Except as provided in paragraph (a) of this subsection, an approved resource home shall not simultaneously:
1. Provide day care center services in accordance with 922 KAR 2:090; and
2. Be used as a licensed or certified health care or social service provider.
(2) If the resource home adjoins a place of business open to the public, potential negative impact on the family and the child shall be examined including the:
(a) Hours of operation;
(b) Type of business; and
(c) Clientele.
(3) The resource home parent shall have access to:
(a) Reliable transportation;
(b) School;
(c) Recreation;
(d)] Medical care; and
(e) Community facilities.
(4) A resource home parent who drives shall:
(a) Possess a valid driver's license;
(b) Possess proof of liability insurance, and
(c) Abide by passenger restraint laws.
(5) Up to four (4) children, including the resource home parent's own children, may share a bedroom.
(6) Each child shall have:
(a) A [~~His own~~] separate bed that is age and size appropriate for the child; or
(b) If the child is under age one (1), a crib that meets Consumer Products Safety Commission standards, 16 C.F.R. 1508 and 1509 [~~1000 to 1750~~].
(7) Except as approved by designated [~~regional~~] cabinet staff, a resource home parent shall not share a bedroom with a child under the custodial control of the cabinet.
(8) A bedroom used by a child under the custodial control of the cabinet shall be comparable to each bedroom in the house.
(9) The physical condition of the resource home shall:
(a) Not present a hazard to the safety and health of a child;
(b) Be well heated and ventilated;
(c) Comply with state and local health requirements regarding water and sanitation, **including KRS Chapters 151 and 211**; and
(d) Provide indoor and out-of-door recreation space appropriate to the developmental needs of a child placed in the resource home.
(10) The following shall be inaccessible to a child:
(a) Medication;
(b) Alcoholic beverage;
(c) Poisonous or cleaning material;
(d) Ammunition; and
(e) Firearms.
(11)[~~Ammunition and firearms shall~~][~~not~~][~~be stored in separate, locked containers~~][~~together and each shall be locked away~~][~~.~~
[~~(12)~~] A dangerous animal shall not be allowed near the child.
(12)[~~(13)~~] Medication shall be kept in a locked container.
(13)[~~(14)~~] First aid supplies with unexpired dates shall be available and stored in a place easily accessible to an adult.
(14)[~~(15)~~] A working telephone shall be available in the home.
(15)[~~(16)~~] The home shall be equipped with a working smoke alarm within ten (10) feet of each bedroom.

Section 5. Emergency Shelter Resource Home. (1) An applicant **shall**[~~may~~] be approved as an emergency shelter resource home if the parent:
(a) Meets the requirements of Sections 3 and 4 of this administrative regulation;
(b) Cares for a child **in the custody of the cabinet** age twelve (12) or[~~and~~] above who needs immediate, unplanned care for [~~less than~~] fourteen (14) days or less, unless designated [~~regional~~] cabinet staff approve:
1. An exception to the minimum age [~~of twelve (12)~~] for a child [~~between~~] age eight (8) or over [~~and twelve (12)~~]; or
2. An extension to the [~~fourteen (14)~~] days of unplanned care, not to exceed a period of sixteen (16) days; and
(c) Completes ten (10) hours of cabinet-sponsored training or training approved in advance by the cabinet beyond the initial thirty (30) hours of family preparation as required by Section 9 of this administrative regulation.
(2) An approved emergency shelter resource home parent shall receive reapproval as an emergency shelter resource home if the parent completes ten (10) hours of ongoing cabinet-sponsored training or training approved in advance by the cabinet:
(a) Beyond the annual six (6) hour requirement specified in Section 15 of this administrative regulation; and
(b) Before the anniversary date of the original approval as a resource [~~an emergency shelter~~] home.

Section 6. Medically-fragile Resource Home. (1) An applicant **shall**[~~may~~] be approved by cabinet staff as a medically-fragile resource home if the resource home parent:
(a) Meets the requirements in Sections 3 and 4 of this administrative regulation;
(b) Cares for a child **in the custody of the cabinet who is** approved by cabinet staff as medically-fragile because of a
1. Medical condition documented by a physician that may become unstable and change abruptly resulting in a life-threatening situation;
2. Chronic and progressive illness or medical condition;
3. Need for a special service or ongoing medical support; or
4. Health condition stable enough to be in a home setting only with monitoring by an attending:
a. Health professional;
b. Registered nurse as defined by [~~in~~] KRS 314.011(5); or
c. Licensed practical nurse as defined by [~~in~~] KRS 314.011(9);
(c) Is a primary caretaker who is not employed outside the home, except as approved by designated [~~regional~~] cabinet staff;
(d) **Unless meets an exception in subsection (2) of this section completes**[~~Completes~~]:
1. A medically-fragile curriculum approved by the cabinet; or
2. An additional;

a. Twenty-four (24) hours of cabinet-sponsored training or training approved in advance by the cabinet, beyond the family preparation as required by Section 9 of this administrative regulation, in the areas of:

(i) [a.] Growth and development;

(ii) [b.] Nutrition; [and]

(iii) [c.] Medical disabilities; **and**

(iv) Cardiopulmonary resuscitation, "CPR", and first aid; or

b. Sixteen (16) hours of cabinet-sponsored training or training approved in advance by the cabinet, beyond the family preparation as required by Section 9 of this administrative regulation, if the resource parent holds a current certificate in cardiopulmonary resuscitation (CPR) and first aid;

(e) Receives training from a health professional in how to care for the specific medically-fragile child who shall be placed;

(f) Maintains current certification in:

1. [Cardiopulmonary resuscitation or]CPR[,]; and

2. First aid; and

(g) Has a home within:

1. One (1) hour of a medical hospital with an emergency room; and

2. Thirty (30) minutes of a local medical facility.

(2) Professional experience related to the care of a medically-fragile child may substitute for the training requirement specified in subsection (1)(d) of this section:

(a) Upon the approval of designated [regional] cabinet staff; and

(b) If the resource home parent is a:

1. Health professional;

2. Registered nurse as defined by [in] KRS 314.011(5); or

3. Licensed practical nurse as defined by [in] KRS 314.011(9).

(3) Except for a sibling group or unless approved by designated [regional] cabinet staff, no more than four (4) children, including the resource home parent's own children, shall reside in a medically-fragile resource home.

(4) Unless an exception is approved pursuant to Section 2(2) of this administrative regulation and **and**[if] a medically-fragile resource home has daily support staff to meet the needs of a medically-fragile child:

(a) A one (1) parent medically-fragile resource home shall:

1. Not care for more than one (1) medically-fragile child; and

2. Demonstrate access to available support services; and

(b) A two (2) parent medically-fragile resource home shall:

1. Not care for more than two (2) medically-fragile children; and

2. Demonstrate access to available support services.

(5) Unless an exception pursuant to Section 2(2) of this administrative regulation is approved, a medically-fragile child shall be placed in an approved medically-fragile home.

(6) Unless the resource home is closed, pursuant to Section 18 of this administrative regulation, an approved medically-fragile resource home parent shall receive annual reapproval by the cabinet as a medically-fragile resource home if the parent:

(a) Annually completes, prior to the anniversary date of the original approval as a resource home:

1. Twenty-four (24) hours of ongoing cabinet-sponsored training or training approved in advance by the cabinet **in the areas described in subsection (1)(d)2a of this section**; or

2. Sixteen (16) hours of ongoing cabinet-sponsored training or training approved in advance by the cabinet, if the resource home parent maintains certification in CPR and first aid; [before the anniversary date of approval as a medically-fragile home,] and

(b) Continues to meet the requirements of this section.

(7)[(6)] An approved medically-fragile resource home parent shall cooperate in carrying out the child's health plan.

Section 7. Care Plus Resource Home. (1) An applicant **shall**[may] be approved by cabinet staff as a care plus resource home parent if the resource home parent:

(a) Meets the requirements of Sections 3 and 4 of this administrative regulation;

(b) Cares for a child **in the custody of the cabinet** approved by cabinet staff as a care plus child because the child who:

1. Has an emotional or behavioral problem;

2. Is due to be released from a treatment facility;

3. Displays aggressive, destructive, or disruptive behavior;

4. Is at risk of being placed in a more restrictive setting;

5. Is at risk of institutionalization; or

6. Has experienced numerous placement failures;

(c) Is a primary caretaker who is not employed outside the home, **unless the cabinet determines that the child's needs continue to be met**[except as approved by designated][regional][cabinet staff];

(d) Completes and receives a certificate of completion for the twenty-four (24) hour care plus resource home training beyond the family preparation as required in Section 9 of this administrative regulation;

(e) Maintains a daily record of the child's activities and behaviors; and

(f) Attends all case planning conferences.

(2) Unless an exception is approved pursuant to Section 2(2) of this administrative regulation and the care plus resource home has daily support staff to meet the needs of a child described in subsection (1)(b) of this section:

(a) No more than four (4) children, including the resource home parent's own children, shall reside in a care plus resource home.

(b)1. A one (1) parent care plus resource home shall:

a. Not care for more than one (1) **care plus** child as described in subsection (1)(b) of this section; and

b. Demonstrate access to available support services; and

2. A two (2) parent care plus resource home shall:

a. Not care for more than two (2) **care plus** children as described in subsection (1)(b) of this section and, including the care plus resource home parent's own child; and

b. Demonstrate access to available support services.

(3) Unless the resource home is closed pursuant to Section 18 of this administrative regulation, an approved care plus resource home parent **shall**[may] receive annual reapproval by the cabinet as a care plus resource home, if the parent:

(a) Annually completes twenty-four (24) hours of ongoing cabinet-sponsored training or training approved in advance by the cabinet before the anniversary date of the original approval as a [care plus] resource home; and

(b) Submits to a review of the parent's:

1. Strengths and needs;

2. Records maintained on services provided to the child; and

3. Ability to meet the goals established for the child, and

(c) Continues to meet the requirements of this section.

(4) Professional experience related to the care of a child described in subsection (1)(b) of this section may substitute for the training requirement specified in subsection (3)[(6)](a) of this section, if the care plus resource parent is a qualified mental health professional as defined by [in] KRS 202A.011(12).

Section 8. Specialized Medically-fragile Resource Home. (1) An applicant **shall**[may] be approved by cabinet staff as a specialized medically-fragile resource home if the applicant:

(a) Meets the requirements in Sections 3 and 4 of this administrative regulation;

(b) Cares for a child **in the custody of the cabinet** approved by cabinet staff as a specialized medically-fragile child;

(c) Is a primary caretaker who is not employed outside the home, **unless the cabinet determines that the child's needs continue to be met**[except as approved by designated][regional][cabinet staff],

(d) Completes:

1. A medically-fragile curriculum approved by the cabinet; or

2. An additional:

a. Twenty-four (24) hours of cabinet-sponsored training or training approved in advance by the cabinet beyond the family preparation required in Section 9 of this administrative regulation, in the areas **described in Section 6(1)(d)2a**[of:

(i)[a.] Growth and development;

(ii)[b.] Nutrition; and

(iii)[c.] Medical disabilities]; or

b. Sixteen (16) hours of cabinet-sponsored training or training approved in advance by the cabinet beyond the family preparation required in Section 9 of this administrative regulation, if the resource home parent maintains certification in CPR and first aid;

(e) Receives individual documented training from a health professional or licensed practical nurse as defined by KRS 314.011(9) in how to care for the specific specialized medically-fragile child who shall be placed in the resource [~~foster~~] home;

(f) Maintains current certification in:

1. CPR; and

2. First aid; and

(g) Has a home within:

1. One (1) hour of a medical hospital with an emergency room; and

2. Thirty (30) minutes of a local medical facility.

(2) Unless an exception is approved pursuant to Section 2(2) of this administrative regulation, no more than four (4) children, including the resource home parent's own children, shall reside in a specialized medically-fragile resource home.

(3) Unless an exception is approved pursuant to Section 2(2) of this administrative regulation and[if] a specialized medically-fragile resource home has daily support staff to meet the needs of a medically-fragile child:

(a) A one (1) parent specialized medically-fragile resource home shall:

1. Not care for more than one (1) specialized medically-fragile child; and

2. Demonstrate access to available support services; and

(b) A two (2) parent specialized medically-fragile resource home shall:

1. Not care for more than two (2) specialized medically-fragile children; and

2. Demonstrate access to available support services.

(4) An approved specialized medically-fragile resource home parent shall receive annual reapproval as a specialized medically-fragile resource home if the parent:

(a) Annually completes, prior to the anniversary date of the original approval as a resource home:

1. Twenty-four (24) hours of ongoing cabinet-sponsored training or training approved in advance by the cabinet **in the areas described in Section 6(1)(d)2a of this administrative regulation**; or

2. Sixteen (16) hours of ongoing cabinet-sponsored training or training approved in advance by the cabinet, if the resource home parent holds a current certificate in CPR and first aid [~~before the anniversary date of approval as a specialized medically-fragile home~~]; and

(b) Continues to meet the requirements of this section.

(5) Professional experience related to the care of a specialized medically-fragile child may substitute for the training requirement specified in subsection (1)(d) of this section, upon the approval of designated [~~regional~~] cabinet staff if the resource home parent is a:

(a) Health professional;

(b) Registered nurse as defined by [~~in~~] KRS 314.011(5); or

(c) Licensed practical nurse as defined by [~~in~~] KRS 314.011(9).

(6) An approved specialized medically-fragile resource home parent shall cooperate with the cabinet in carrying out the child's health plan.

Section 9. Preparation and Selection of a Resource Home Parent. (1) The cabinet shall recruit a resource home and approve the resource home prior to the placement of a child.

(2) A resource home applicant shall complete a:

(a) Minimum of thirty (30) hours of initial family preparation; and

(b) Curriculum approved by designated cabinet staff, including the following topics:

1. Orientation to the cabinet's resource home program;

2. An example of an actual experience from a resource home parent that has fostered a child; and

3. Information regarding:

a. The stages of grief;

b. Identification of the behavior linked to each stage **of grief**;

c. The long-term effect of separation and loss on a child;

d. Permanency planning for a child, including independent living services;

e. The importance of attachment on the growth and development and how a child may maintain or develop a healthy attachment;

f. Family functioning, values, and expectations of a foster home;

g. Cultural competency;

h. How a child comes into the care and custody of the cabinet, and the importance of achieving permanency,

i. Types of maltreatment and experiences in foster care and adoption;

j. The importance of birth family and culture and helping children leave foster care, and

k. Identification of changes that may occur in the home if a placement occurs, to include:

(i) Family adjustment and disruption;

(ii) Identity issues;

(iii) Discipline issues and child behavior management; and

(iv) Specific requirements and responsibilities of a resource home parent.

(3) Except for a cabinet-approved individualized preparation program, family preparation for placement of a child under the custodial control of the cabinet shall be completed in a group setting by each adult who resides in the household and provides care.

(4) If a new adult moves into an approved resource home where a child is already placed by the cabinet, the child may remain and additional children may be placed, if the new adult:

(a) Completes training in accordance with subsection (2) of this section within six (6) months of entering the home; and

(b) Meets the requirements specified in Sections 3 and 4 of this administrative regulation.

(5) An adult child or elderly person who resides in the resource home shall not be required to complete family preparation if that individual shall not be responsible for routine daily care of a child placed in the home by the cabinet.

(6) The cabinet shall not be obligated to grant resource home approval or placement of a specific child to an individual or family that completes family preparation.

(7) The purpose of family preparation shall be to:

(a) Orient the applicant to the philosophy and process of the cabinet's family foster care or adoption programs;

(b) Develop greater self-awareness on the part of the applicant to determine strengths and needs;

(c) Sensitize the applicant to the kinds of situations, feelings, and reactions that are apt to occur with a child in the custody of the cabinet; and

(d) Effect behavior so that an applicant may better fulfill the role as a resource home parent of a child.

(8) The family preparation process shall emphasize:

(a) Self-evaluation;

(b) Participation in small group exercises; and

(c) Discussion with experienced resource home parents.

(9) In addition to completion of the family preparation curriculum, at least two (2) family consultations shall be conducted by cabinet staff in the home of an applicant, to include:

(a) Documentation that the requirements in Sections 3 and 4 of this administrative regulation have been met;

(b) Documentation that a personal interview with each member of the applicant's household has been completed;

(c) Discussion of the attitude of each member of the applicant's household toward placement of a child;

(d) Observation of the functioning of the applicant's household, including interpersonal relationships and patterns of interaction; and

(e) Assurance that the applicant is willing to accept a child's relationship with the child's family of origin.

(10) An applicant approved as a foster or adoptive parent or respite care provider by another state, or by a child-placing agency as described by [~~in~~] KRS 199.011(7) shall:

(a) Be assessed by cabinet staff to ascertain the applicant's level of skill as a potential Kentucky resource home parent;

(b) Provide verification of the closure and a statement to indicate whether the closure was at the request of the resource home parent, the other state, or the agency; and

(c) Not be required to complete the family preparation process for approval as a Kentucky resource home parent if cabinet staff:

1. Determine that the applicant possesses the necessary skills for fostering; and

2. Obtain records and recommendation from the other state or child-placing agency.

(11) If cabinet staff determines that an applicant described in subsection (4) or (10) of this section lacks the necessary [~~foster parent~~] skills to become a resources home parent, an individualized preparation curriculum shall be developed to fulfill unmet training needs.

(12)(a) A resource home parent shall request the recommendation of cabinet staff prior to enrolling in training specified in Section 5(1)(c), 6(1)(d), 7(1)(d)[~~(e)~~], or 8(1)(d) of this administrative regulation; and

(b) Cabinet staff may recommend the resource home parent to receive training specified in Section 5(1)(c), 6(1)(d), 7(1)(d)[~~(e)~~], or 8(1)(d) of this administrative regulation if the resource home parent possesses the aptitude to care for a child described in Section:

1. [~~Child described in~~] Section 5(1)(b) of this administrative regulation;

2. 6(1)(b) of this administrative regulation [~~Medically fragile child~~];

3. [~~Child described in Section~~] 7(1)(b) of this administrative regulation; or

4. 8(1)(b) of this administrative regulation [~~Specialized medically fragile child~~].

Section 10. Completion of the Resource Home Approval Process. (1) Designated [~~regional~~] cabinet staff in a supervisory role **shall**[~~may~~] approve a resource home applicant if:

(a) The applicant provides written and signed information pertaining to family history and background;

(b) The applicant completes family preparation as required by Section 9(2) of this administrative regulation;

(c) The information required in Section 3(8) through (10) and (13) through (17) of this administrative regulation has been obtained;

(d) Designated [~~regional~~] cabinet staff recommends approval; and

(e) The applicant's ability to provide a foster, adoptive, or respite care service is consistent with the:

1. Cabinet's minimum resource home requirements **established in this administrative regulation**; and

2. Needs of the families and children served by the cabinet.

(2) If the designated [~~regional~~] cabinet staff determines that an applicant does not meet the minimum requirements for approval as a resource home parent, the cabinet shall recommend that the applicant withdraw the request.

Section 11. Denial of a Resource Home Request. (1) Designated [~~regional~~] cabinet staff shall notify an applicant, in writing, if the request to become a resource home parent is not recommended for one (1) of the following reasons:

(a) The applicant is unwilling to withdraw the request to become a resource home parent after receiving a recommendation to withdraw; or

(b) The applicant desires to adopt, but is unwilling to adopt a child under the custodial control of the cabinet.

(2) If the resource home applicant disagrees with the cabinet's recommendation to not accept the applicant as a resource home, designated [~~regional~~] cabinet staff shall review the request to become a resource home parent and issue a final written determination regarding the cabinet's recommendation.

Section 12. Expectations of Resource Homes Providing Foster Care Services. A resource home parent providing foster care services shall:

(1) Provide a child placed by the cabinet with a family life, including:

(a) Nutritious food;

(b) Clothing comparable in quality and variety to that worn by other children with whom the child may associate;

(c) Affection;

(d) Training;

(e) Recreational opportunities;

(f) Educational opportunities;

(g) Nonmedical transportation;

(h) Independent living services, for a child age twelve (12) and older; and

(i) Opportunities for development consistent with their religious, ethnic and cultural heritage;

(2) Permit cabinet staff to visit;

(3) Share with cabinet staff pertinent information about a child placed by the cabinet;

(4) Comply with the general supervision and direction of the cabinet concerning the care of a child placed by the cabinet;

(5) Report immediately to the cabinet if there is a:

(a) Change of address;

(b) Medical condition, accident or death of a child placed by the cabinet;

(c) Change in the number of people living in the home;

(d) Significant change in circumstances in the resource [~~foster~~] home**, such as income loss, marital separation, or other household stressor**;

(e) An absence without official leave;

(f) A suicide attempt; or

(g) Criminal activity by the child requiring notification of law enforcement;[~~.~~]

(6) Notify the cabinet if:

(a) Leaving the state with a child placed by the cabinet for more than two (2) nights; or

(b) A child placed by the cabinet is to be absent from the resource [~~foster~~] home for more than three (3) days;

(7) Cooperate with the cabinet **If**[~~when~~] a contact is arranged by cabinet staff between a child placed by the cabinet and the child's birth family including:

(a) Visits;

(b) Telephone calls; or

(c) Mail;

(8) Surrender a child [~~or children~~] to the authorized representative of the cabinet upon request,

(9) Keep confidential all personal or protected health information as shared by the cabinet, in accordance with KRS 194A.060, 620.050 and 45 C.F.R. Parts 160 and 164, concerning a child placed by the cabinet or the child's birth family;

(10) Support an assessment of the service needs of a child placed by the cabinet,

(11) Participate in case-planning conferences concerning a child placed by the cabinet;

(12) Cooperate with the implementation of the permanency goal established for a child placed by the cabinet;

(13) Notify the cabinet at least ten (10) calendar days in advance of the home becoming certified to provide foster care or adoption services through a private child-placing agency in accordance with 922 KAR 1:310;

(14) Treat a child placed by the cabinet with dignity;

(15) Arrange for respite care services in accordance with Section 13(5) of this administrative regulation;

(16) Ensure that a child in the custody of the cabinet receives the child's designated per diem allowance;

(17) Facilitate the delivery of medical care to a child placed by the cabinet as needed, including:

(a) Administration of medication to the child and daily documentation of the medication's administration; and

(b) Annual physicals and examinations for the child; and

(18) Report suspected incidents of child abuse, neglect, and exploitation in accordance with KRS 620.030.

Section 13. Reimbursements for Resource Homes Providing Foster Care Services. (1) Types of per diem reimbursement. The cabinet shall approve a resource home as specified in Sections 3 and 4 of this administrative regulation and authorize a per diem reimbursement as follows:

(a) A basic per diem reimbursement shall be:

1. Based on the age of a child placed by the cabinet in the resource home; and

2. Made to the resource home parent that:

a. Does not meet criteria specified in paragraphs (b) through (j) of this subsection; and

b. Meets annual training required in Section 15(1)(a) of this administrative regulation.

(b) An advanced per diem reimbursement shall be:

1. Made to a resource home who:

a. Has completed twenty-four (24) hours of advanced training, including training on child sexual abuse, beyond the family preparation, specified in Section 9(2) of this administrative regulation; and

b. Completes twelve (12) hours of ongoing cabinet-sponsored training or cabinet-approved training each year; and

2. Based on the age of the child placed by the cabinet in the resource home.

(c) An emergency shelter per diem reimbursement shall:

1. Be made to a resource home parent who:

a. Meets criteria specified in Section 5 of this administrative regulation; and

b. Cares for a child, described in Section 5(1)(b) of this administrative regulation, who is placed by the cabinet; and

2.a Be reimbursed for no more than fourteen (14) days, unless an extension is granted in accordance with Section 5(1)(b)2 of this administrative regulation; or

b. After fourteen (14) days revert to:

(i) A basic per diem reimbursement, described in paragraph (a) of this subsection; or

(ii) An advanced per diem reimbursement, if the resource home foster parent meets training requirements specified in paragraph (b)1a and b of this subsection.

(d) A basic medically-fragile per diem reimbursement shall be made to a resource home parent who:

1. Meets criteria specified in Section 6 of this administrative regulation; [~~and~~]

2. Provides for the care of a medically-fragile child.

(e) An advanced medically-fragile per diem reimbursement shall be made to a resource home parent who:

1. Meets criteria specified in Section 6 of this administrative regulation;

2. Maintains a current license as a licensed practical nurse in accordance with KRS 314.011(9),[~~and~~]

3. Provides for the care of a medically-fragile child.

(f) A degreed medically-fragile per diem reimbursement shall be made to a resource home parent who:

1. Meets criteria specified in Section 6 of this administrative regulation; and

2. Maintains a current license as a:

a. Registered nurse in accordance with KRS 314.011(5); or

b. Health professional; and

3. Provides for the care of a medically-fragile child.

(g) A basic care plus resource home per diem reimbursement shall be made to a resource home parent who:

1. Meets criteria specified in Section 7 of this administrative regulation; and

2. Provides for the care of a child described in Section 7(1)(b) of this administrative regulation.

(h) An advanced care plus resource home per diem reimbursement shall be made to a resource [~~foster~~] home parent who:

1. Meets criteria specified in Section 7 of this administrative regulation;

2. [~~Completes ongoing cabinet-sponsored or cabinet-approved training as specified in Section 9(2) of this administrative regulation,~~

~~3.~~] Has one (1) year of experience as a care plus resource home; and

3.[~~4.~~] Provides for the care of a child described in Section 7(1)(b) of this administrative regulation.

(i) An advanced specialized medically-fragile per diem reimbursement shall be made to a resource home parent who:

1. Meets criteria specified in Section 8 of this administrative regulation; [~~and~~]

2. Maintains a current license as a licensed practical nurse in accordance with KRS 314 011(9); and

3. Provides for the care of a specialized medically-fragile child.

(j) A degreed specialized medically-fragile per diem reimbursement shall be made to a resource home parent who:

1. Maintains a current license as a:

a. Licensed registered nurse in accordance with KRS 314.011(5); or

b. Physician in accordance with KRS 311.720(9); [~~and~~]

2. Meets criteria specified in Section 8 of this administrative regulation; and

3. Provides for the care of a specialized medically-fragile child.

(k) Upon placement of a child by the cabinet, a per diem reimbursement shall:

1. Be specified in a contract between an approved resource foster home and the cabinet; and

2. Provide for the care of a child placed by the cabinet, to include:

a. Housing expenses;

b. Food-related expenses;

c. Nonmedical transportation;

d. Clothing;

e. Allowance;

f. Incidentals;

g. Babysitting, excluding childcare authorized in subsection (4)(b) of this section;

h. Sports, recreation and school activities;

i. One (1) day of respite care per child per month; and

j. School expenses.

(2) Medical coverage.

(a) Cabinet staff may authorize payment for medical expenses for a child in the custody of the cabinet after verification is provided that the child is not covered by health insurance, Medicaid or the Kentucky Children's Health Insurance Program ("K-CHIP").

(b) Designated [~~regional~~] cabinet staff shall approve authorization of payment for a medical treatment greater than $500.

(3) Child care services.

(a) The cabinet shall review requests for child care services every six (6) months for a working resource home parent who provides foster care services.

(b) Designated [~~regional~~] cabinet staff may approve requests for child care services for a nonworking resource home parent who provides foster care services:

1. If a medical crisis affects the resource home parent; or

2. To allow for an adjustment period for the child.

(c) Designated [~~regional~~] cabinet staff shall review approved requests for child care services for a nonworking resource home parent every three (3) months.

(4) Training To the extent funds are available and in accordance with Section 15(4) of this administrative regulation, the cabinet shall provide a reimbursement to an approved resource home that provides foster care services for ongoing training expenses commensurate with the resource home parent's training needs, including:

(a) Mileage;

(b) Babysitting; and

(c) Tuition or fees.

(5) Respite care.

(a) Except for a child in an emergency shelter resource home, respite care **shall be**[~~is~~] available for a child placed by the cabinet in a resource home that provides foster care services.

(b) A resource home that provides foster care services shall be eligible for one (1) day of respite care per month per child.

(c) A resource home that cares for a child in the custody of the cabinet and meets criteria established in Sections 6 through 8 of this administrative regulation shall be eligible for three (3) days of respite care per month per child.

(d) Designated [~~regional~~] cabinet staff may extend respite care up to fourteen (14) days, if designated [~~regional~~] cabinet staff document that the:

1. Resource home parent requires the additional respite care:

a. To stabilize the child's placement in the resource home that provides foster care services; or

b. Due to unforeseen circumstances that may occur, such as:

(i) Death in the family;

(ii) Surgery; or

(iii) Illness; or

2. Child placed in the resource home requires additional respite care to allow for a period of adjustment.

(e) The cost of respite care shall not exceed the per diem for the child.

(f) A respite care provider shall be approved in accordance with Section 21 of this administrative regulation.

(6) Appeals. A resource home parent may appeal the timeliness of reimbursement in accordance with 922 KAR 1:320.

Section 14. Home Study Requests. (1) Upon receipt of a request from another state's Interstate Compact on the Placement of Children Administrator in the interest of a child in the legal custody of that state's public agency, the cabinet shall complete a home study as specified in 922 KAR 1:100, Section 6(6).

(2) The cabinet shall share a previously approved home study in accordance with the Kentucky Open Records Act, KRS 61.870-61.884 and 42 U.S.C. 671(a)(23).

(3) An individual may request an administrative hearing in accordance with 922 KAR 1:320 for failure of the cabinet to act in accordance with subsections (1) and (2) of this section.

Section 15. Annual Resource Home Training Requirement. (1) Before the anniversary date of the original approval as a resource home,[~~(a)~~] A resource home parent shall be required to complete:

(a) [~~before the anniversary date of approval,~~] at least six (6) hours of annual cabinet-sponsored training or training approved in advance by the cabinet; and[~~-~~]

(b) Training necessary to obtain certifications required by Sections 6(1)(f) and 8(1)(f) of this administrative regulation shall count towards the annual training requirement.

(2) An individualized curriculum may be developed for a resource home parent who is unable to participate in annual group training because of employment or other circumstances.

(3)(a) Except for a resource home parent with whom a child has developed a significant emotional attachment and is approved by designated [~~regional~~] cabinet staff, the resource home whose parent fails to meet the annual training requirement shall be closed.

(b) Additional children shall not be placed in the home until the training requirement has been satisfactorily met.

(4) To the extent that funds are available, designated [~~regional~~] cabinet staff shall approve reimbursement for[~~, to the extent that funds are available, for the following expenses of~~] a resource home parent who has a child placed in their home under the custody and control of the cabinet and is participating in ongoing cabinet-sponsored or cabinet-approved training for the following expenses:

(a) Mileage;

(b) Babysitting; and

(c) Tuition or fees up to the amount of:

1. $100 per family per year; or

2. $200 per family[~~or $200~~] per year for a:

a.[~~1.~~] Medically-fragile resource home;

b.[~~2.~~] Specialized medically-fragile resource home; or

c.[~~3.~~] Care plus resource home.

(5) Training hours required by Sections 6(6)(a), 7(3)(a), and 8(4)(a) of this administrative regulation[~~,~~] may be used by the cabinet to reapprove the resource home for more than one (1) type of resource home.

Section 16. Resource Home Annual Reevaluation. (1) A cabinet staff member shall conduct a personal, in-home interview with a resource home parent before [~~during~~] the anniversary date of the original [~~month of initial~~] approval as a resource home. The interviewer shall assess:

(a) Any change in the resource home;

(b) The ability of the resource home parent to meet the needs of a child placed in the home; and

(c) Continuing compliance with the requirements of Sections 3 and 4 of this administrative regulation.

(2) The interviewer shall complete a DPP-1289, Annual Strengths/Needs Assessment for Resource [~~Home~~] Families, during the interview.

Section 17. Resource Home Reviews. (1) Upon notification of a factor that may place unusual stress on the resource home or create a situation that may place a child at risk, cabinet staff shall:

(a) Immediately asses the health and safety risk of the child, and

(b) Complete a review of the resource home within thirty (30) calendar days.

(2) Factors that shall result in a review of a resource home shall include:

(a) Death or disability of a family member;

(b) Sudden onset of a health condition that would impair a resource home parent's ability to care for a child placed in the home by the cabinet;

(c) Change in marital status;

(d) Sudden, substantial decrease in, or loss of, income;

(e) Childbirth;

(f) Use of a form of punishment that includes:

1. Cruel, severe, or humiliating actions;

2. Corporal punishment inflicted in any manner;

3. Denial of food, clothing, or shelter;

4. Withholding implementation of the child's treatment plan;

5. Denial of visits, telephone or mail contacts with family members, unless authorized by a court of competent jurisdiction; and

6. Assignment of extremely strenuous exercise or work;

(g) A report of abuse, neglect, or dependency that results in a finding that:

1. Is substantiated; or

2. Reveals concern relating to the health, safety, and well-being of the child;

(h) If the resource home parent is cited with, charged with, or arrested due to a violation of law other than a minor traffic offense; or

(i) Other factor identified by cabinet staff that jeopardizes the physical, mental, or emotional well being of the child.

(3) The narrative of the review shall contain:

(a) Identifying information;

(b) Current composition of the household;

(c) Description of the situation that initiated the review;

(d) An evaluation of the resource home's family functioning to determine if the child's needs are met; and

(e) A plan for corrective action that may include a recommendation for closure of the resource home.

Section 18. Closure of an Approved Resource Home. (1) A resource home shall be closed if:

(a) Cabinet staff determines that the family does not meet the general requirements, as specified in Sections 3 and 4 of this administrative regulation, for a resource home;

(b) A situation exists that is not in the best interest of a child;

(c) Sexual abuse or exploitation by the resource home parent or by another resident of the resource home is substantiated;

(d) Substantiated child abuse or neglect[~~child maltreatment of a child~~] by a resident of the household occurs that is serious in nature or warrants removal of a child;

(e) A serious physical or mental illness develops that may impair or preclude adequate care of the child by the resource home parent; or

(f) The cabinet has not placed a child in the home within the preceding two (2) year period.

(2) A resource home may be closed according to the terms of the contract between the cabinet and the resource home.

(3) If it is necessary to close an approved resource home, the reason shall be stated by cabinet staff in a personal interview with the family.

(4) The cabinet shall confirm, in a written notice to the resource home parent, the decision to close a home. The notice shall be delivered within thirty (30) calendar days of the interview with a resource home parent.

(5) The written notice for closure of a resource home shall include:

(a) Notice that the cabinet shall not place a child in the home; and

(b) The reason why the resource home is being closed.

Section 19. Reapplication. (1) A former resource home parent whose home was closed pursuant to Section 18(1)(a) through (f) of this administrative regulation may be considered for reapproval if the cause of closure has been resolved.

(2) To reapply, a former resource home parent shall:

(a) Attend an informational meeting; and

(b) Submit the:

1. Names of references specified in Section 3(13) of this administrative regulation; and

2. Authorization for criminal records release specified in Section 3(17) of this administrative regulation.

(3) A reapplying former resource home parent shall reenroll and complete family preparation, as specified in Section 9 of this administrative regulation, unless the former resource home parent:

(a) Has previously completed family preparation, as specified in Section 9(2) of this administrative regulation; and

(b) Is considered a placement resource for children.

(4) An adoptive family may be reconsidered for adoptive placement pursuant to 922 KAR 1:100, Section 9.

Section 20. Resource Home Parent Adoption. (1) A resource home parent may adopt a child for whom parental rights have been terminated if:

(a) Resource home parent adoption is determined by cabinet staff to be in the best interest of the child,

(b) The child resides in the resource home; and

(c) Criteria in 922 KAR 1:100 are met.

(2) If a resource home parent expresses interest in adopting a foster child currently placed in the home and an alternative permanent placement is in the child's best interest, cabinet staff shall meet with the resource home parent prior to selection of an adoptive home to explain:

(a) Why an alternative permanent placement is in the child's best interest; and

(b) The resource home parent's right to submit a request to the cabinet to reconsider the recommendation.

(3) If a resource home parent is not approved for adoptive placement of a child currently placed in the home, cabinet staff shall meet with the resource home parent to explain the reason that the resource home parent adoption is not in the best interest of the foster child.

Section 21. Requirements for Respite Care Providers. (1) A respite care provider shall:

(a) Be:

1. An approved resource home; or

2. Approved in accordance with subsection (2) of this section; and

(b) Receive preparation for placement of a child, including information in accordance with:

1. KRS 605.090(1)(b); and

2 a. Section 6(1)(e) through (g) of this administrative regulation, if the child is a medically-fragile child; or

b. Section 8(1)(e) through (g) of this administrative regulation, if the child is a specialized medically-fragile child.

(2) If a resource home parent chooses a respite care provider who is not an approved resource home, the respite care provider shall:

(a)1. Meet criteria established in Sections 3(1), (2), (17), (18) and 4 of this administrative regulation if respite care is provided outside the home of the resource home parent; or

2. Meet criteria established in Section 3(1), (2), (17), and (18) of this administrative regulation if respite care is provided inside the home of the resource home parent; and

(b)1. If providing respite care for a child described in Section 7(1)(b) of this administrative regulation, have:

a. Professional experience or training in the mental health treatment of children or their families; or

b. A certificate of completion for twenty-four (24) hours of care plus training provided by the cabinet or approved in advance by the cabinet;

2. If providing respite care for a medically-fragile child.

a.(i) Meet training requirements specified in Section 6 of this administrative regulation; or

(ii) Be a health professional; and

b. Undergo health screenings as specified in Section 3(8) and (9) of this administrative regulation; or

3. If providing respite care for a specialized medically-fragile child:

a. Be a health professional; and

b. Undergo health screenings as specified in Section 3(8) and (9) of this administrative regulation.

(3) A respite care provider:

(a) May attend family preparation as specified in Section 9 of this administrative regulation; [~~and~~]

(b) **If the respite care provider is caring for a medically-fragile or specialized medically-fragile child, shall**[~~May~~] receive training to meet the specific needs of **the**[~~a medically-fragile~~] child from a health professional or a resource home parent trained by a health professional in how to care for **the**[~~a specific medically-fragile~~] child; **and**

(c) Shall comply with Section 2 of this administrative regulation.

Section 22. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "DPP-107, Health Information Required for Resource Home Applicants or Adult Household Members, edition 02/08[~~6/06~~]";

(b) "DPP-108, Health Information Required for Resource Home Applicants Regarding Dependent Children, edition 02/08[~~6/06~~]";

(c) "DPP-112A, Placement Exception Request, edition 02/08[~~6/06~~]";

(d) "DPP-112B, Placement [~~Resource Home~~] Exception Plan, edition 02/08[~~6/06~~]"; **and**

(e) "DPP-1289, Annual Strengths/Needs Assessment for Resource [~~Home~~] Families, edition 6/06".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4.30 p.m.

MARK A. WASHINGTON, Commissioner
TOM EMBERTON, JR., Acting Secretary

APPROVED BY AGENCY: December 10, 2007

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CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(As Amended at ARRS, March 10, 2008)

922 KAR 1:470. Central registry.

RELATES TO: KRS 17.165(5), 61.876, 199.896(19), 199.8982(1)(a), 600.020(1), (54), (55), 620.050(5), Chapter 625.050 -625.120[~~625~~], 42 U.S.C. 671(a)(20),,5106a(b)(2)(A)(viii), (ix), (x)

STATUTORY AUTHORITY: KRS 194A.050(1), 605.130(4), 605.150, 2006 Ky. Acts ch. 252 Part 1, H.10(3) [~~2005 Ky. Acts ch. 173 Part 1, H.10~~]

NECESSITY, FUNCTION, and CONFORMITY: 194A.050(1) requires [~~authorizes~~] the secretary to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. [~~The cabinet is required to maintain records for the purpose of conducting child abuse or neglect checks mandated by law.~~] KRS 605.150 permits the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605, including KRS 605.130(4), which authorizes the cabinet to perform services necessary for the protection of children. 2006 Ky. Acts ch. 252 Part 1, H.10(3)[~~2005 Ky. Acts ch. 173 Part 1, H.10 (3)~~] authorizes the secretary to promulgate administrative regulations necessary to prescribe criminal background investigation fee amounts. This administrative regulation establishes the procedure by which the cabinet shall conduct a child abuse or neglect check using information in the central regis-

try.

Section 1. Definitions. (1) "Abused or neglected child" is defined by [in] KRS 600 020(1).

(2) "Sexual abuse" is defined by [in] KRS 600.020(54).

(3) "Sexual exploitation" is defined by [in] KRS 600.020(55).

Section 2. Central Registry. (1) The central registry shall include the name of each individual:

(a) Who has been found by the cabinet to have abused or neglected a child on or after October 1, 1998; and

(b)1. Who waived the right to appeal a substantiated finding of child abuse or neglect in accordance with:

a. 922 KAR 1:480;

b. 922 KAR 1:320; or

c. 922 KAR 1:330, Section 9; or

2. Whose substantiated incident was upheld upon appeal.

(2) Each name shall:

(a) Remain on the central registry for a period of at least seven (7) years; and

(b) Be removed from the central registry after a period of seven (7) years if:

1. No additional incident of child abuse or neglect has been substantiated by the cabinet since the time of the incident for which the individual's name was placed on the registry; and

2. Cabinet records indicate that the incident for which the individual's name was placed on the registry did not relate to:

a. Sexual abuse or sexual exploitation of a child;

b. A child fatality related to abuse or neglect;

c. A criminal conviction related to child abuse or neglect;

d. A civil judicial determination related to child abuse or neglect; or

e. Involuntary termination of parental rights in accordance with KRS 625 050 through 625.120 [Chapter 625].

(3) This administrative regulation shall not apply to cabinet background checks required by 922 KAR 1:490, regarding foster or adoptive services.

(4) This administrative regulation shall not limit the cabinet's ability to disclose information in accordance with 42 U.S C. 5106a(b)(2)(A)(viii), (ix), and (x).

Section 3. Procedure for Requesting a Central Registry Check. (1) If information from the central registry is required by law, a request for a central registry check may be made by an:

(a) Individual,

(b) Organization; or

(c) Other entity.

(2) The cabinet shall conduct a check of the central registry for each individual who:

(a) Submits a request for a check of the central registry in accordance with subsection (4) of this section; and

(b)1. Applies for initial licensure;

2. Is hired by, or volunteers with an entity required by law to obtain information contained in the central registry; or

3. Is hired by, or volunteers with, an entity that may require a central registry check as a condition for working with children on a regular basis

(3) An individual who is not required by law to obtain information contained in the central registry shall submit an open records request in accordance with 922 KAR 1:510.

(4) A request for a central registry check shall be made by submitting to the cabinet:

(a) A completed form, [“]DPP-156, Central Registry Check[”], no later than [within] five (5) working days after:

1. The date of employment of an individual required by law to submit to a central registry check; or

2. A volunteer's first day, if the volunteer is required by law to submit to a central registry check; and

(b) A nonrefundable fee of ten (10) dollars:

1.a. Submitted by check or money order; and

b. Made payable to the Kentucky State Treasurer, or

2. Made available through a prepaid account established with the cabinet.

(5) A state requesting a child abuse or neglect check from Kentucky as required by 42 U.S C. 671(a)(20) shall follow the procedures described in 922 KAR 1:490, Section 4

Section 4. Incorporation by Reference. (1) "DPP-156, Central Registry Check," edition 02/08 [12/05], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

MARK A. WASHINGTON, Commissioner
TOM EMBERTON, JR., Acting Secretary

APPROVED BY AGENCY: December 10, 2007

FILED WITH LRC: December 12, 2007 at 4 p m.

CONTACT PERSON Jill Brown, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone (502) 564-7905, fax (502) 564-7573.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(As Amended at ARRS, March 10, 2008)

922 KAR 1:490. Background checks for foster and adoptive parents, caretaker relatives, and reporting requirements.

RELATES TO: KRS 199.011(7), 199.462(1), 600.020(54), (55), 605 090(1)(b), (6), 605 120, 605.130, 620.050(5), [605.160,] Chapter 625, 45 C F.R. 1356.30, 42 U.S.C. 671(a)(20)[(A)]

STATUTORY AUTHORITY: KRS 194A 050(1), 199.462(4), [199.472(1),] 199.640(5), 605.120(5), (6), 605.130(4),[and] 605.150

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A 050(1) requires the secretary to promulgate administrative regulations necessary to implement programs mandated by federal law, qualify for the receipt of federal funds, and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its program. KRS 199.462(4) requires the cabinet to promulgate an administrative regulation for the purpose of requiring a criminal background investigation on behalf of a [each] foster or adoptive parent applicant, an [and each] adult member of the applicant's household, and a caretaker relative. [KRS 199.472(1) requires the cabinet to establish criteria to be followed for the adoption of children.] KRS 605.150(5) and (6) authorizes the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605, including:

(1) KRS 605.120 by which the cabinet is authorized to establish a program for kinship care; and

(2) [the provision of] KRS 605 130(4) by which the cabinet shall perform such other services as may be deemed necessary for the protection of children. KRS 199 640(5) authorizes the cabinet to promulgate administrative regulations establishing basic standards of care and service for child-placing agencies relating to the health and safety of all children in the care of the agency. This administrative regulation establishes background check requirements for caretaker relatives or applicants seeking to provide foster or adoptive services. Additionally, this administrative regulation imposes a stricter requirement than the federal mandate because the cabinet requires the denial of an applicant if: (1) a criminal record check conducted on behalf of an adult household member reveals physical abuse, battery, or a drug or alcohol-related felony within the previous five (5) year period or a felony involving a spouse, a child, sexual violence, or death; or (2) a child abuse or neglect check conducted by the cabinet reveals that [the applicant or] a household member, twelve (12) years of age or older, committed sexual abuse or sexual exploitation of a child, has been responsible for a child fatality related to abuse or neglect, or has had parental rights terminated involuntarily.

Section 1. Definitions. (1) "Adolescent member of the household" means a youth who:

(a) Resides in the home of an individual who applies for approval or has been approved to provide foster or adoptive services;

(b) Is age twelve (12) through age seventeen (17); and

(c) Is not placed in the home by a state agency.

(2) "Adult member of the household" means an adult who:

(a) Resides in the home of an individual who applies for approval or has been approved to provide foster or adoptive services; and

(b) Is eighteen (18) years of age or older.

(3) "Applicant" means an individual who applies for approval as a foster or adoptive parent under:

(a) 922 KAR 1:350, Family Preparation; or

(b) 922 KAR 1:310, Standards for Child-Placing Agencies.

(4) "Caretaker relative" **means a relative:**

(a) With whom the child is, or shall be, placed by the cabinet; and

(b) Who is seeking to qualify as a kinship caregiver in accordance with 922 KAR 1:130 [~~is a prospective kinship caregiver as defined in 922 KAR 1:130~~]

(5) "Child-placing agency" is defined by [~~at~~] KRS 199 011(7).

(6) [~~(5)~~] "Sexual abuse" is defined by [~~at~~] KRS 600.020(54).

(7) [~~(6)~~] "Sexual exploitation" is defined by [~~at~~] KRS 600.020(55).

Section 2. Background Checks Required for Foster or Adoptive Parent Applicants [~~Parents~~]. (1) An applicant, and each adult member of the household, shall submit to:

(a) An in-state criminal records check, conducted pursuant to KRS 199.462(1), by the:

1. Kentucky Justice and Public Safety Cabinet; or

2. Administrative Office of the Courts;

(b) A child abuse or neglect check conducted by the cabinet for each state of residence during the past five (5) years; and

(c) A criminal records check conducted by means of a fingerprint check of [~~by~~] the National Crime Information Database [~~Kentucky State Police and the Federal Bureau of Investigation, if the applicant:~~

~~1. Or adult household member has resided out-of-state within the ten (10) year period prior to the date of application; and~~

~~2. Offers a placement to a child made available through the cabinet or its agent~~].

(2) Prior to approval of an applicant, each adolescent member of the household shall submit to a child abuse or neglect check conducted by the cabinet.

(3) A Kentucky child abuse or neglect check conducted by the cabinet shall identify the name of each applicant, adolescent member of the household, or [~~and~~] adult member of the household who has been found by the cabinet to have:

(a) Committed sexual abuse or sexual exploitation of a child,

(b) Been responsible for a child fatality related to abuse or neglect;

(c) Abused or neglected a child within the seven (7) year period immediately prior to the application; or

(d) Had parental rights terminated [~~involuntarily~~].

(4) An applicant shall not be approved if:

(a) A criminal records check reveals that the applicant, or adult member of the household, has [~~been convicted of~~] a:

1. Felony conviction involving:

a. A spouse, a child, sexual violence, or death as described by 42 U.S.C. 671(a)(20)[~~(A)~~]; or

b. Physical abuse, battery, a [~~2~~] drug, or alcohol[~~related felony~~] within the five (5) year period prior to application;

2. Criminal conviction relating to child abuse or neglect; or

3. Civil judicial determination related to child abuse or neglect [~~for approval as a foster or adoptive parent~~]; or

(b) A child abuse or neglect check reveals [~~Cabinet records reveal~~] that the applicant, adolescent member of the household, or adult member of the household, has been found [~~by the cabinet~~] to have:

1. Committed sexual abuse or sexual exploitation of a child;

2. Been responsible for a child fatality related to abuse or neglect; or

3. Had parental rights terminated involuntarily in accordance with KRS 625.050 through 625.120 or another state's laws

Section 3. Procedure for Requesting a Cabinet Child Abuse or Neglect Check. Prior to approval of an applicant, a child-placing agency shall request a child abuse or neglect check by submitting to the cabinet:

(1) [~~Prior to approval of an applicant; and~~

~~(2) By submitting to the cabinet~~] A completed form, ["]DPP-157, Child Abuse or Neglect Check

(2) Documentation required to request a child abuse or neglect check from the child welfare agency in each previous state of residence, if the applicant or adult household member has resided outside of the state of Kentucky in the previous five (5) years["].

Section 4. Request for a Child Abuse or Neglect Check from Another State. (1) The cabinet shall conduct a child abuse or neglect check as required by 42 U.S.C. 671(a)(20) when a completed DPP-157 is submitted to the cabinet.

(2) The cabinet shall:

(a) Protect the confidentiality of the information transmitted by the cabinet to a child welfare agency; and

(b) Waive the requirements specified in 922 KAR 1:470, Section 3(4).

Section 5. Background Checks Required for a Caretaker Relative. (1) A caretaker relative, and each adult member of the household, shall submit to:

(a) An in-state criminal records check, conducted pursuant to KRS 199.462(1) and in accordance with 922 KAR 1:130, by the:

1. Kentucky Justice and Public Safety Cabinet; **or**[~~and~~]

2. Administrative Office of the Courts; and

(b) A child abuse or neglect check conducted by the cabinet.

(2) An adolescent member of a caretaker relative's household shall submit to a child abuse or neglect check conducted by the cabinet in accordance with 922 KAR 1:130. [~~Reports Relating to Committed Children. The cabinet shall disclose and receive information in accordance with KRS 605.090(1)(b) and (6).~~]

Section 6. [~~5.~~] Approval. (1) Except for the provisions of Section 2(4) or 5(4) of this administrative regulation, approval of an applicant or caretaker relative who has been convicted of a nonviolent felony or misdemeanor, has been found by the cabinet or another child welfare agency to have abused or neglected a child, or whose parental rights have been terminated voluntarily, shall be handled on a case-by-case basis with consideration given to the:

(a) Nature of the offense,

(b) Length of time that has elapsed since the event; and

(c) Applicant's life experiences during the ensuing period of time.

(2) Except for the provisions of Section 2(4) or 5(4) of this administrative regulation, an applicant or caretaker relative may be approved on a case-by-case basis in accordance with the criteria described by subsection (1)(a) through (c) of this section if:

(a) An adolescent member of the household has:

1. Been found by the cabinet to have abused or neglected a child;

2. Had parental rights terminated voluntarily in accordance with KRS 625.040 through 625.046 or another state's laws; or

(b) An adult member of the household has been:

1. Convicted of a nonviolent felony or misdemeanor;

2. Found [~~by the cabinet~~] to have abused or neglected a child; or

3. Had parental rights terminated voluntarily in accordance with KRS 625.040 through 625.046 or another state's laws

Section 7. [~~6.~~] Reevaluation. (1) An approved foster or adoptive parent and each adult member of the household shall submit annually, prior to or during the anniversary month of initial approval, to a:

(a) Criminal records check as described in Section 2(1)(a) of this administrative regulation; and

(b) Child abuse or neglect check conducted by the cabinet.

(2)(a) If an adult becomes a new member of an approved foster or adoptive parent's household, the new adult member of the household shall submit to background checks within thirty (30)

calendar days of residence within the household in accordance with Section 2(1)(a) through (c) of this administrative regulation.

(b) If an adult becomes a new member of an approved caretaker relative's household, the new adult member of the household shall submit to background checks within thirty (30) calendar days of residence within the household in accordance with Section 5(1) of this administrative regulation.

(3) If an adolescent becomes a new member of an approved foster or adoptive parent or caretaker relative's [~~parent's~~] household, the new adolescent member of the household shall submit to a child abuse and neglect check conducted by the cabinet within thirty (30) calendar days of residence within the household.

Section 8. [~~7.~~] Maintenance of Records. (1) A completed copy of each criminal records check conducted pursuant to Section 2(1) of this administrative regulation and the [~~a "~~]DPP-157[~~, Child Abuse or Neglect Check"~~] shall be maintained on behalf of each:

(a) Foster or adoptive parent; and

(b) [~~Applicant not approved as a foster or adoptive parent; and~~

~~(c)~~] Adult member of the applicant's household.

(2) A completed copy of each [~~"~~]DPP-157[~~, Child Abuse or Neglect Check"~~] shall be maintained on behalf of each adolescent member of the:

(a) Applicant's household; or

(b) Caretaker relative's household.

(3) A completed copy of the DPP-157 and criminal records check conducted pursuant to Section 5 of this administrative regulation shall be maintained for each:

1. Caretaker relative; and

2. Adult member of the caretaker relative's household.

Section 9. [~~8.~~] Incorporation by Reference. (1) "DPP-157, Child Abuse or Neglect Check", edition 02/08 [~~December 2004"~~] is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

PATRICIA R. WILSON, Commissioner
JANIE MILLER, Secretary

APPROVED BY AGENCY: February 15, 2008

FILED WITH LRC: February 15, 2008 at 10 a.m.

CONTACT PERSON: Jill Brown, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone (502) 564-7905, fax (502) 564-7573.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Child Care
(As Amended at ARRS, March 10, 2008)

922 KAR 2:160. Child Care Assistance Program.

RELATES TO: KRS 45.237-45.241, 81.010, 186.040, 199.892, 199.894(1),(5), 199.896, 199.898(1), (2), 199.8982, 199.899, 199.8994 [~~(1),(2),(6)~~], 202A.011(12), 214.036, 314.011(5), 600.020(47), 605.120(5), 620.020(9), 7 C.F.R. 1463, 45 C.F.R. 98, 205.10(6), 400.66(d), 25 U.S.C. 459, 1261, 1401, 29 U.S.C. 723(a)(5), 38 U.S.C. 1815, [~~45 C.F.R. 98.~~] 42 U.S.C. 601-619, 1451, 1771, 1775, 2000d, 3001, 4950-5084, 8621, 9902(2), 10602(c)

STATUTORY AUTHORITY: KRS 194A.050(1), 199.892, 199.8994

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet, qualify for the receipt of federal funds, and cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 199.892 enables the Cabinet for Health and Family Services to **promulgate administrative regulations to** qualify to receive federal funds under provisions of the federal Social Security Act, 42 U.S.C. 601-619, and to provide for effective regulation of child care centers. KRS 199.8994 requires the cabinet to administer all child care funds to the extent allowable under federal law or regulation and in a manner which is in the best interest of the clients to be served. This administrative regulation **establishes requirements that enable**[~~enables~~] the Cabinet for Health and Family Services to qualify for federal funds under the Child Care and Development Fund, and establishes procedures for the implementation of the Child Care Assistance Program to the extent that funding is available.

Section 1. Definitions. (1) "Applicant" means a child's natural or adoptive parent or an individual caring for a child in loco parentis **who is applying for CCAP.**

(2) "Cabinet" is defined by KRS 199.894(1).

(3) "Change in a circumstance" means a change that affects eligibility or benefit amounts and includes:

(a) Beginning or ending employment;

(b) Change in an employer or obtaining additional employment;

(c) Increase or decrease in the number of work hours;

(d) Increase or decrease in the rate of pay;

(e) Increase or decrease in family members;

(f) Change in self-employment activity;

(g) Change in scheduled hours care is needed;

(h) Beginning or ending an educational activity;

(i) Change in child care provider;

(j) Change in address or residence; or

(k) Change in marital status.

(4) "Child care" means the provision of care for a child for a portion of a day on a regular basis, designed to supplement, but not substitute for, the parent's responsibility for the child's protection, development, and supervision.

(5) "Child care and development fund" or "CCDF" is defined **by**[~~in~~] 45 C.F.R. 98.2.

(6) "Child Care Assistance Program" or "CCAP" means Kentucky's child care subsidy program providing families, who meet the eligibility requirements of this administrative regulation, with the financial resources to find and afford quality child care.

(7) "Child care certificate" is defined **by**[~~in~~] 45 C.F.R. 98.2.

(8) "Child protective services" is defined in 922 KAR 1:330, Section 1(3).

(9) "Child with a special need" means a child who has a severe problem or multiple problems that require ongoing specialized care.

(10) "Employment" means public or private, permanent or temporary work for an average of twenty (20) hours per week for:

(a) Wages;

(b) Self-employment;

(c) Student teaching, internship, or practicum; or

(d) A combination of the above.

(11) "Family" means an applicant and a child related by blood or law who reside in the same residence and another responsible adult if present.

(12) "Family child-care home" [~~is~~]:

(a) **Is defined**[~~Defined~~] by KRS 199.894(5);

(b) **Is described**[~~Described~~] in KRS 199.8982; and

(c) **Means a**[A] home certified in accordance with 922 KAR 2:100.

(13) "Full day" means child care **that** is provided for five (5) or more hours per day.

(14) "Health professional" means a person actively licensed as a:

(a) Physician;

(b) Physician's assistant;

(c) Advanced registered nurse practitioner;

(d) Qualified mental health professional as defined **by**[~~in~~] KRS 600.020(47); or

(e) Registered nurse as defined **by**[~~in~~] KRS 314.011(5) under the supervision of a physician.

(15) "In loco parentis" means a person acting in place of a parent, including:

(a) A legal guardian; or

(b) An individual related by blood, marriage, or adoption to the child.

(16) "Infant" means a child who is less than one (1) year old.

(17) "Kentucky Transitional Assistance Program" or "K-TAP" means Kentucky's Temporary Assistance for Needy Families or "TANF" money payment program established in 921 KAR Chapter 2.

(18) "Nonurban" means a county without a first, second, or third class city as specified in KRS 81.010(1) through (3).

(19) "Part day" means child care **that** is provided for less than five (5) hours per day.

(20) "Preschool child" means a child[,] who has reached the third birthday up to, but not including, the sixth birthday.

(21) "Preventive services" is defined by KRS 620.020(9).

(22) "Provider" means the entity providing child care services.

(23) "Qualified alien" means a child who meets the requirements of 921 KAR 2:006, Section 1(15).

(24) "Registered provider" means a child care provider who meets the requirements of 922 KAR 2:180.

(25) "Related" means **having one (1) of the following relationships with the provider:**

1. Child;

2. Stepchild;

3. Grandchild;

4. Great-grandchild;

5. Niece;

6. Nephew;

7. Sibling; or

8. Child in legal custody of the provider.[~~the child, stepchild, grandchild, great-grandchild, niece, nephew, sibling, or child in legal custody of the child care provider~~]

(26) "Responsible adult" means a person **other than the applicant** who is in the child's household **and** who is:

(a) The natural **parent**, adoptive **parent**, or stepparent; or

(b) The spouse of an individual caring for a child in loco parentis.

(27) "School-age child" means a child who has reached the sixth birthday.

(28) "Teenage parent" means a parent who is:

(a) Nineteen (19) years of age or younger; and

(b) Attending high school or pursuing a GED.

(29) "Toddler" means a child who has reached the first birthday up to, but not including, the third birthday.

(30) "Urban" **means**[~~is defined as~~] a county listed in KRS 81.010(1) through (3) as having a first, second, or third class city.

Section 2. Application Rights and Requirements. (1) An individual may apply or reapply for CCAP through the cabinet or its designee.

(2)**(a)** Unless an applicant is approved according to the criteria in Section 5 or 6 of this administrative regulation, **an**[:

~~(a) An~~] application shall have been made,

1. On the date a signed DCC-90, Application for Subsidized Child Care Assistance, or DCC-90.1, Intent to Apply for Child Care Assistance is received at the cabinet or its designee office; or

2. On the date the agency is contacted, if the person:

a. Has a physical or mental disability; and

b. Needs special accommodation due to the impairment.

(b) If the **applicant**[~~individual or recipient~~] is physically unable to come to the office to apply, **applicant** the[~~individual or recipient~~] may designate an authorized representative to make application.

(c) The applicant may be:

1. Assisted by another individual of choice in the application process; and

2. Accompanied by the individual in a contact with the agency.

(d) In accordance with the procedures described in 920 KAR 1:070, interpreter services shall be provided for persons who are:

1. Deaf; or

2. Hard of hearing.

(e) Interpreter services shall be provided for a non-English speaking individual in accordance with Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d.

(3) The cabinet or its designee shall not discriminate against an applicant based on age, race, color, sex, disability, religious creed, national origin or political beliefs.

(4) For the month child care payment is intended to cover, a family shall meet the technical and financial eligibility criteria, according to its particular circumstances, as described in Sections 3, 4, 5, 6, and 7 of this administrative regulation.

(a) The applicant or recipient shall be the primary source of information and shall:

1. Furnish verification of:

a. Income; and

b. Technical eligibility; and

2. Give written consent to the cabinet or its designee necessary to verify information pertinent to the eligibility determination.

(b) Upon receiving written notice of a request for information or a scheduled appointment to present required documentation, failure of an applicant or recipient to respond shall be considered a failure to present adequate proof of eligibility.

(5) A decision shall be made on an application and written notification sent to the applicant within thirty (30) calendar days of receipt of the application form.

(6) Each decision regarding eligibility for assistance shall be supported by documentation recorded in the applicant or recipient's case record.

(7) A family shall not receive:

(a) Assistance until approval of the application for benefits; or

(b) Benefits prior to application.

Section 3. Technical Eligibility. (1) A child shall be eligible for child care assistance, if the child:

(a) Is a:

1. Resident[~~resident~~] of Kentucky; and

2.[~~(b) Is a~~] U.S. citizen or qualified alien;

(b)[~~(c)~~] Is under age:

1. Thirteen (13); or

2. Nineteen (19) and is:

a. Physically or mentally incapable of caring for himself, as demonstrated by a written document provided by a:

(i) Health professional;

(ii) Collateral agency approved by the cabinet, including a school or comprehensive care center; or

(iii) Cabinet employee or designee through a child protective service or preventive service authorization;

b. Under court supervision; or

c. Identified as a priority by federal statute, regulation, or funding source; and

(c)[~~(d)~~] Has a current immunization certificate showing that the child is immunized, unless:

1. There is an exception pursuant to KRS 214.036; or

2. The child is attending a:

a. Licensed child care center;

b. Certified child care home;

c. Public school;

d. Head Start; or

e. Other entity that requires the immunization record.

(2) If a child served by the CCAP is not immunized, child care assistance benefits shall be available or continue for a period of thirty (30) calendar days **following the notification of the needed immunization** while the family takes necessary action to comply with the immunization requirement.

(3) A family shall not be eligible for a CCAP benefit if care is provided by:

(a) A parent or stepparent;

(b) A legal guardian;

(c) A member of the K-TAP or food stamp assistance case in which the child in need of child care assistance is included;

(d) A person living in the same home as the child in need of care;

(e) A provider not:

1. Licensed according to 922 KAR 2:090, Child care center licensure;

2. Certified according to 922 KAR 2:100, Certification of family child care homes; or

3. Registered according to 922 KAR 2:180, Requirements for registered child care providers in the Child Care Assistance Program;

(f) An alternative program such as Head Start, state preschool, or state kindergarten; or

(g) Another child care provider if the family operates the child care business in the home

(4) If the restrictions specified in subsection (3) of this section do not apply to the provider related to the child, the provider related to the child may be eligible for payment from CCAP **if the requirements of 922 KAR 2:180 are met**

Section 4. Requirements for Low Income Working Family Eligibility Determination. A child **shall**[~~may~~] be eligible to receive CCAP if the child **meets the requirements specified in Section 3 of this administrative regulation and** resides with:

(1) An applicant who has employment an average twenty (20) hours per week;

(2) An applicant and a responsible adult who have employment an average of forty (40) hours per week combined, if the individual with the least employment has an average of at least five (5) hours of employment per week;

(3) An applicant and a responsible adult if either the applicant or the responsible adult has employment an average of twenty (20) hours per week, and the other is physically or mentally unable to provide adequate care or supervision as documented by a written statement from a health professional; or

(4) A relative caregiver pursuant to the conditions of **a program established by** KRS 605.120(5), who:

(a) Meets all requirements in this section; and

(b) Meets income eligibility standards in Section 7(1).

Section 5. Requirements for Protection and Permanency Eligibility Determination. (1) A child **shall**[~~may~~] be eligible to receive CCAP if the child:

(a) Resides with an applicant who:

1. Receives child protective or preventive services; or

2. Needs to receive child protective or preventive services based upon an assessment conducted by child protective services staff pursuant to 922 KAR 1:330; and

(b) Meets the requirements listed in Section 3 of this administrative regulation.

(2) A child shall be approved for child care assistance by the cabinet in accordance with subsection (1) of this section without a separate application, as an integral part of a protective or preventive services plan.

(3) A child who participates in the CCAP as a result of a child protective or preventive services authorization:

(a) Shall not be eligible for more than six (6) months without further authorization, and

(b) May have the family copayment required by Section 10 of this administrative regulation waived by the cabinet **based on an assessment in accordance with 922 KAR 1:330**. If the family copayment is waived, the reason for the waiver shall be documented in the protective or preventive services plan.

Section 6. Kentucky Works Child Care Eligibility Determination. (1) A child **shall**[~~may~~] be eligible for CCAP if the child:

(a) Resides with an applicant who is participating in the Kentucky Works Program described in 921 KAR 2:370; and

(b) Meets the requirements listed in Section 3 **of the administrative regulation**.

(2) A child shall be approved for child care assistance by the cabinet in accordance with subsection (1) of this section without a separate application as an integral part of a Kentucky Works Program self sufficiency plan.

Section 7. Income Eligibility. (1) A child shall be eligible for the CCAP if the family's income is less than or equal to:

(a) 150 percent of the federal poverty level at the initial application; or

(b) 165 percent of the federal poverty level at the redetermination.

(2) A family that becomes ineligible for K-TAP shall remain eligible for CCAP if the family's income remains less than or equal to 165 percent of the federal poverty level.

(3) Except for a child who is eligible as specified in Section 5 of this administrative regulation, gross income received or anticipated to be received by the applicant and responsible adult shall be considered when the cabinet or its designee determines the family's eligibility for the CCAP.

(4) A child that is eligible for CCAP as specified in Section 5 of this administrative regulation shall be eligible without regard to the family's income.

(5) Excluded income shall be:

(a) All income received by or on behalf of a child;

(b) K-TAP child only payments, including back payment;

(c) A payment received from the Kinship Care Program, pursuant to 922 KAR 1:130, including back payment;

(d) Educational grant, loan, scholarship, and work study income, including:

1. Payment obtained and used under a condition that precludes the recipient's use for current living cost; and

2. An education grant or loan to an undergraduate made or insured under a program administered by:

a. The United States Commissioner of Education; or

b. The Bureau of Indian Affairs;

(e) The value of Kentucky Works supportive services payment pursuant to 921 KAR 2:017;

(f) The value of United States Department of Agriculture program benefits including:

1. Donated food;

2. Supplemental food assistance received pursuant to 42 U.S.C. 1771;

3. Special food service program for a child pursuant to 42 U.S.C. 1775;

4. Nutrition program for the elderly pursuant to 42 U.S.C. 3001; and

5. The monthly food stamp allotment;

(g) Payment made directly to a third party on behalf of the applicant or recipient by a nonresponsible person;

(h) In-kind income;

(i) Reimbursement for transportation in performance of an employment duty, if identifiable;

(j) Nonemergency medical transportation payment;

(k) Highway relocation assistance;

(l) Urban renewal assistance;

(m) Federal disaster assistance and state disaster grant;

(n) Home produce utilized for household consumption;

(o) Housing subsidy received from federal, state, or local governments;

(p) Receipt distributed to a member of certain Indian tribes by the federal government pursuant to 25 U.S.C. 459, 1261 and 1401;

(q) Funds distributed per capita to or held in trust for a member of an Indian tribe by the federal government pursuant to 25 U.S.C. 459, 1261 and 1401;

(r) Payment for supporting services or reimbursement of out-of-pocket expense made to an individual volunteering as:

1. Senior health aide; or

2. Member of the:

a. Service Corps of Retired Executives; or

b. Active Corps of Executives;

(s) Payment made to an individual from a program pursuant to **42** U.S.C. 4950 to 5084 if less than the minimum wage under state or federal law, whichever is greater, including:

1. Volunteers in Service to America (VISTA);

2. Foster Grandparents;

3. Retired and Senior Volunteer Program; or

4. Senior Companion;[-]

(t) Payment from the cabinet for:

1. Child foster care; or

2. Adult foster care;

(u) Energy assistance payment made under:

1. The Low Income Home Energy Assistance Program pursuant to 42 U.S.C. 8621; or

2. Other energy assistance payment made to an energy provider or provided in-kind;

(v) The principal of a verified loan;

(w) Up to $12,000 to Aleuts and $20,000 to an individual of Japanese ancestry for payment made by the United States Government to compensate for a hardship experienced during World War II;

(x) The advance payment or refund of earned income tax

credit;

(y) Payment made from the Agent Orange Settlement Fund;

(z) Payment made from the Radiation Exposure Compensation Trust Fund;

(aa) Up to $2,000 per year of income received by individual Indians denied from a lease or other use of individually-owned trust or restricted lands;

(bb) Payment made to an individual because of the individual's status as a victim of Nazi persecution;

(cc) Income received from temporary employment from the United States Department of Commerce, Bureau of the Census;

(dd) A payment received from the National Tobacco Growers Settlement Trust;

(ee) A Tobacco Loss Assistance Program payment pursuant to 7 C.F.R. **1463**[~~1464.291~~].

(ff) A payment received from a crime victim compensation program according to the Antiterrorism and Effective Death Penalty Act of 1996 pursuant to 42 U.S.C. 10602(c);

(gg) A payment made, pursuant to 38 U.S.C. 1815 by the Veteran's Administration, to children of female Vietnam veterans,

(hh) A discount or subsidy provided to Medicare beneficiaries pursuant to Section 1860D-31(g)(6) of the Social Security Act, **42 U.S.C. 601-619.**

(ii) Any cash grant received by the applicant under the Department of State or Department of Justice Reception and Placement Programs pursuant to 45 C.F.R. 400.66(d); or

(jj) Reimbursement payment for a vocational rehabilitation individual participating in Preparing Adults for Competitive Employment pursuant to 29 U.S.C. 723(a)(5).

(6) Deductions from gross income shall be:

(a) Actual, legally obligated child support payment made by the applicant or responsible adult to a party not living in the family's residence; and

(b) Operating costs to determine adjusted gross income from self employment.

(7) Best estimate.

(a) Gross income shall be computed by using a best estimate of income that may exist in the benefit month.

(b) The following method shall be used to calculate a best estimate of earned income other than earned self-employment.

1. Cents shall not be rounded at any step in the calculation;

2. Unless it does not represent the ongoing situation, income from all pay periods in the preceding two (2) calendar months shall be used.

3. A monthly amount shall be determined by:

a. Adding gross income from each pay period;

b. Dividing by the total number of pay periods considered; and

c. Converting the pay period figure to a monthly figure by multiplying a:

(i) Weekly amount by (4.334);

(ii) Biweekly amount by (2.667); or

(iii) Semimonthly amount by two (2); and

4. If income has recently begun and the applicant or recipient has not received two (2) calendar months of earned income, the anticipated monthly income shall be computed by:

a. Multiplying the:

(i) Hourly rate by the estimated number of hours to be worked in a pay period; or

(ii) Daily rate by the estimated number of days to be worked in the pay period; and

b. Converting the resulting pay period figure to a monthly amount pursuant to subparagraph 3c of this paragraph.

(c) For a case with unearned income, other than unearned self-employment income, a monthly amount shall be determined by:

1. Not rounding cents at any step in the calculation;

2. Using the gross monthly amount of continuing, stable unearned income received on a monthly basis; and

3. Averaging the amount of nonstable unearned income received in the three (3) prior calendar months, unless it does not represent the ongoing situation.

(d) For a case with self-employment income, a monthly amount shall be determined as follows.

1. Cents shall not be rounded at any step in the calculation;

2. If the self-employment enterprise has been in operation for at least a year, the income shall be prorated by dividing the income from the last calendar year by twelve (12);

3. If the self-employment enterprise has been in operation for less than a year, the income shall be prorated by dividing by the number of months the business has been in existence; and

4. Profit shall be determined by:

a. Dividing the allowable expenses permitted by the Internal Revenue Service except for depreciation by:

(i) Twelve (12) if the enterprise has been in operation for at least a year; or

(ii) The number of months the business has **been** operating if the business has been in existence for less than a year; and

b. Subtracting the monthly expense from the monthly income.

Section 8. Continuing Eligibility. (1) Continued eligibility under the CCAP shall be redetermined:

(a) At least every twelve (12) months; or

(b) At least every six (6) months for a child eligible pursuant to requirements in Section 5 of this administrative regulation.

(2) Eligibility shall be reviewed and recalculated if necessary due to a known or reported change in circumstance.

Section 9. Payment Rates and Policy. (1) To the extent funds are available, the cabinet shall make payments as listed in the DCC-300, Kentucky Child Care Maximum Payment Rates Chart.

(a) The rates in the DCC-300 **shall** represent the maximum payment rates on a per day, per child, per child care provider basis.

(b) The maximum payment rates **shall** include the following categories:

1. Full day;
2. Part day;
3. Urban;
4. Nonurban;
5. Licensed;
6. Certified;
7. Registered;
8. Infant/Toddler;
9. Preschool, and
10. School-age.

(2) To the extent funds are available, a licensed or certified provider **shall**[~~may~~] receive:

(a) Two (2) dollars per day beyond the maximum rate if the provider is accredited by the:

1. National Association for the Education for Young Children;
2. National Early Childhood Program Accreditation;
3. National Association for Family Child Care;
4. National After School Association; or
5. Other accrediting body approved by the Early Childhood Development Authority or the cabinet; or

(b) One (1) dollar per day beyond the maximum rate for nontraditional care for providing child care assistance between:

1. 6 p.m. to 6 a.m. **daily**; or
2. Friday, 6 p.m. through Monday, 6 a.m.

(3) To the extent funds are available, a licensed, certified, or registered provider **shall**[~~may~~] receive a special care rate of one (1) additional dollar per day beyond the maximum rate for care of a child:

(a) With a special need; or

(b) Who is between age thirteen (13) and nineteen (19) and is:

1. Physically or mentally incapable of caring for himself as determined by a health professional; or

2. Under court supervision.

(4) The cabinet or its designee shall determine the maximum daily reimbursement rate not to exceed the amount charged to the general public.

(5) A child care provider registered according to 922 KAR 2:180 shall not be paid for more than:

(a) Three (3) children receiving CCAP per day; or

(b) Six (6) children receiving CCAP per day, if those children are a part of a sibling group.

(6) A family meeting the requirements of Section 4 or 6 of this administrative regulation shall be eligible for payment to cover child care needs due to full-time or part-time enrollment in an educa-

tional program.

(7) To the extent funds are available, required[annual] enrollment fees shall be paid no more than three (3) times in a twelve (12) month period for a family meeting the requirements in Section 6 of this administrative regulation.

Section 10. Family Copayment. **(1) Unless a family copayment has been waived in accordance with Section 5(3)(b) of this administrative regulation, a family of a child served by the CCAP shall be responsible for a copayment in accordance with the family copayment table in subsection (3) of this section.**

(2) If a court orders a parent of a CCAP-eligible child to pay a portion of the child's child care expenses, the court-ordered payment shall be in lieu of the family copayment required by subsection (3) of this section.

(3) The cabinet or its designee shall determine a copayment that a family shall pay to the provider for the cost of child care, based on the following table:

Family Co-Payment Per Day								
Income Range Monthly		Family Size 2 Family Co-Pay With 1 Child	Family Size 3 Family Co-Pay		Family Size 4 Family Co-Pay		Family Size 5 or More Family Co-Pay	
			With 1 Child	With 2 or more	With 1 Child	With 2 or more	With 1 Child	With 2 or more
0	899	$0	$0	$0	$0	$0	$0	$0
900	999	$2	$2	$3	$2	$2	$2	$2
1,000	1,099	$3	$3	$3	$2	$3	$2	$3
1,100	1,199	$4	$4	$4	$3	$3	$2	$3
1,200	1,299	$4	$4	$5	$4	$4	$3	$3
1,300	1,399	$5	$5	$5	$5	$5	$3	$4
1,400	1,499	$6	$5	$6	$5	$6	$4	$4
1,500	1,599	$7	$6	$6	$6	$6	$5	$5
1,600	1,699	$8	$6	$7	$6	$7	$6	$6
1,700	1,799	$9	$7	$8	$7	$8	$6	$7
1,800	1,899	$10	$8	$9	$7	$8	$7	$8
1,900	1,999	$10	$9	$10	$8	$9	$8	$9
2,000	2,099	$11	$10	$11	$8	$9	$8	$9
2,100	2,199	$12	$10	$11	$9	$10	$9	$10
2,200	2,299	$12	$11	$12	$10	$11	$9	$10
2,300	2,399		$12	$13	$11	$12	$9	$10
2,400	2,499		$12	$13	$12	$13	$10	$11
2,500	2,599		$13	$14	$12	$13	$10	$11
2,600	2,699		$13	$14	$13	$14	$12	$13
2,700	2,799				$13	$14	$13	$14
2,800	2,899				$14	$15	$14	$15
2,900	2,999				$14	$15	$16	$17
3,000	3,099				$15	$16	$18	$19
3,100	3,199				$15	$16	$20	$21
3,200	3,299						$20	$21
3,300	3,399						$22	$23
3,400	3,499						$22	$23
3,500	3,599						$24	$25
3,600	3,699						$25	$25

(a) The maximum copayment for an eligible family with more than five (5) members shall be twenty-five (25) dollars.

(b) The family copayment table shall be effective May 1, 2008.

(c) The co-payment for a child who was in the CCAP prior to May 1, 2008, shall remain unchanged until the next action involving the child's eligibility, including:

1. A change in the circumstances of the child or the child's family; or

2. An eligibility redetermination of the child and the child's family.

(4)(a) If a provider notifies the cabinet or its designee that a family has failed to comply with a required copayment for two (2) weeks, the cabinet or its designee shall request that the provider develop a payment plan with the family.

(b) If a family fails to enter into a payment plan within ten (10) days from a provider's notification that a payment plan is necessary, or a family fails to make two (2) payments in accordance with the payment plan, the cabinet shall:

1. Not pay a subsequent provider until the family demonstrates compliance with the payment plan; and

2. Terminate CCAP for the family.

(c) The cabinet or its designee may grant an exception to paragraph (b) of this subsection due to:

1. A disaster;

2. The closure of a provider;

3. Family circumstances, such as relocation, illness, or death; or

4. A risk to the health, welfare, or safety of the child or parent. [~~(1) The family of a child served by the CCAP shall be responsible for a copayment in accordance with the family copayment formula in subsection (3)(a) of this section unless:~~

~~(a) The family copayment has been waived under a protection or prevention services authorization, or~~

~~(b) If beginning February 1, 2008, the family's total gross countable income is at or below 100 percent of the federal poverty guidelines as updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).~~

~~(2) If a court orders a parent of a CCAP-eligible child to pay a portion of the child's child care expenses, that payment shall be in lieu of the family copayment required by subsection (3) of this section.~~

~~(3) The cabinet or its designee shall determine a copayment that the family shall pay to the provider for the cost of child care, based on the following formula:~~

~~(a) The income ranges for assessing the family copayment for each household size shall increase in standard increments based on the federal poverty guidelines:~~

~~(b) The income ranges for each household size shall:~~

~~1. Begin with the monthly federal poverty guideline for the family household size plus one (1) dollar, and~~

~~2. End with:~~

~~a. The monthly federal poverty guideline for the next highest household size, or~~

~~b. 165 percent of the federal poverty guidelines for the family household size, whichever comes first; and~~

~~(c) The family copayment shall be:~~

~~1. Assessed at eight (8) percent of the lowest amount in the income range, and~~

~~2. Converted to a daily copayment amount by dividing this figure by twenty-two (22), the average number of work days in a month.~~

~~(3)(a) The family copayment formula shall be effective February 1, 2008; or~~

~~(b) Unless the income of the child's family is at or below 100 percent of the federal poverty level as prescribed annually by the U.S. Department of Health and Human Services, the copayment for a child who was in the CCAP prior to February 1, 2008, shall remain unchanged until the next action involving the child's eligibility, including:~~

~~1. A change in the circumstances of the child or the child's family; or~~

~~2. An eligibility redetermination of the child and the child's family.~~

~~(4) If a provider notifies the Cabinet or its designee that a family has not complied with a required copayment for two (2) weeks:~~

~~(a) The cabinet or its designee shall develop a payment plan with the family;~~

~~(b) The CCAP shall not make payment to a subsequent provider until the family demonstrates compliance with the payment plan, unless approval is granted by the cabinet or its designee due to:~~

~~1. A disaster;~~

~~2. Closure of a provider;~~

~~3. Family circumstances, such as relocation, illness, or death;~~

~~or~~

~~4. A risk to the health, welfare, or safety of the child or parent; and~~

~~(c) CCAP payments may be suspended during the period in which back payment is owed to the provider.]~~

Section 11. Family Rights and Responsibilities. (1) The family of a child served by the CCAP shall have rights pursuant to KRS 199.898(1) and (2).

(2) Unless an alternative program such as Head Start, state preschool or state kindergarten is available and accessible during the time child care is needed, an applicant for a child who receives or has been approved to receive CCAP benefits shall:

(a) Be offered choice of child care assistance subject to the availability of state and federal funds; and

(b) Receive a child care certificate, DCC-94, Child Care Service Agreement and Certificate.

(3) An applicant may change the applicant's provider a maximum of three (3) times in a twelve (12) month period, unless an exception is authorized by the cabinet or its designee due to:

(a) A disaster;

(b) Closure of a provider;

(c) Family circumstances, such as relocation, illness, or death; or

(d) A risk to the health, welfare, or safety of the child or the applicant.

(4) A family that changes the child care provider more than three (3) times as described in **subsection (3)**[~~Section 11(3)~~] of this **section**[~~administrative regulation~~] shall be discontinued from the CCAP and unable to participate until the end of the eligibility period in effect at the time of discontinuance.

(5) An applicant for a child served by CCAP shall advise the cabinet or its designee of a change in **a** circumstance within ten (10) calendar days of the day the change is known.

(6) Failure to report a change in a circumstance may result in a decrease or discontinuance of CCAP benefits **based on the type of change.**

Section 12. Cabinet Requirements. (1) The DCC-94 shall:

(a) Be used for child care assistance provided by a licensed, certified, or registered provider; and

(b) Not be considered a contract, employment or grant to the child care provider, but shall be considered assistance to the applicant pursuant to 45 C.F.R. 98.30(c)(6).

(2) The cabinet or its designee shall provide consumer information regarding conditions for termination of the DCC-94 pursuant to KRS 199.8994(6)(b).

(3) The cabinet or its designee shall assure that a provider of child care assistance funded under the CCDF and other local, state, or federal funds shall comply with the applicable regulatory requirements pursuant to:

(a) 922 KAR 2:090, Child care center licensure;

(b) 922 KAR 2:100, Certification of family child care homes;

(c) 922 KAR 2:110, Child care facility provider requirements;

(d) 922 KAR 2:120, Child care facility health and safety standards, and

(e) 922 KAR 2:180, Requirements for registered child care providers in the Child Care Assistance Program.

(4) If CCAP benefits are reduced or terminated due to the shortage of funding, the cabinet shall provide a minimum thirty (30) calendar day notice to each family receiving child care assistance.

(5) If the daily maximum payment rate is reduced due to the shortage of funding, the cabinet shall provide a minimum thirty (30) calendar day notice to licensed, certified, or registered providers.

(6) The recipient shall be given ten (10) calendar days advance notice of the proposed action if a change in circumstances indicates:

(a) A child care benefit shall be:

1. Reduced;

2. Suspended, or

3. Discontinued; or

(b) An individual shall be removed from the child care benefit.

(7) The ten (10) calendar days advance notice of the proposed action shall:

(a) Be given on the DCC-105, Notice of Adverse Action;

(b) Explain the reason for the proposed action;

(c) Cite the applicable state administrative regulation; and

(d) Extend the opportunity to confer with the child care worker or to request an appeal pursuant to Section 17 of this administrative regulation.

(8) The cabinet shall prioritize child care assistance benefits as determined by the available funds as follows:

(a) Child protective services or preventive services authorization;

(b) A child with a special need;

(c) A teen parent;

(d) A K-TAP recipient attempting through employment to transition off assistance;

(e) An applicant whose K-TAP case has been discontinued during the previous twelve (12) months and who needs child care assistance in order to accept or retain employment; or

(f) A low income working applicant.

Section 13. Provider Requirements. (1) A licensed, certified, or registered child care provider that serves a child who participates in the CCAP shall:

(a) Sign and submit the DCC-94 to the cabinet or its designee prior to receiving payment from the CCAP;

(b) Report all absences on the DCC-97, Provider Billing Form, submitted to the cabinet or its designee; and

(c) Maintain[~~and submit, upon request of the cabinet or its designee,~~] a monthly sign-in sheet in which the daily arrival and departure times of each child have been recorded, **and submit the sign-in sheet upon request of the cabinet or its designee.**

(2) A licensed or certified child care provider shall complete the DCC-94B, Licensed or Certified Provider Information Form, prior to receiving payment from the CCAP.

(3) A registered child care provider shall complete all requirements of 922 KAR 2:180 prior to receiving payment from the CCAP.

(4) A licensed child care provider shall maintain written documents with attendance records stating the reason for any absence of a child receiving CCAP in excess of five (5) per month per child.

Section 14. Other Services. To the extent state funds are available, a child whose family's income is over the income limits for the CCAP described in Section 7 **shall**[~~may~~] be eligible for:

(1) Child care payments;

(2) Enrollment fees;

(3) Activity or day trip fees;

(4) Material fees;

(5) Transportation fees; or

(6) Other items relating to child care services with prior approval of the cabinet.

Section 15. Erroneous Payments. (1) The cabinet or its designee shall investigate each:

(a) Instance of apparent erroneous payment; and

(b) Allegation of fraud related to a:

1. CCAP recipient family; or

2. Child care provider.

(2) Action shall be promptly taken to correct the payment in an active case.

(3) If an overpayment has occurred, the cabinet or its designee shall:

(a) Determine the amount of the erroneous payment; and

(b) Establish a claim to recover the amount of the overpayment.

(4) If an overpayment has occurred and fraud is suspected, the cabinet shall determine the efficacy of pursuing a judicial remedy prior to attempting to recover the amount of the overpayment through an administrative process.

(5) If a claim has been established, and a judicial remedy has been determined by the cabinet to be inappropriate, the cabinet or its designee shall:

(a) Advise the affected party of the claim; and

(b) Establish a repayment agreement using form DCC-98, Repayment Agreement, for the purpose of recovering a CCAP

overpayment from the:

1. Applicant; or

2. Child care **provider**[~~Provider~~].

(6) Payments under the CCAP shall be discontinued if a family or provider:

(a) Refuses to sign a DCC-98; or

(b) Defaults on more than three (3) payments under a completed repayment agreement.

(7) If a family or provider reapplies for CCAP benefits after discontinuance from the program for noncompliance with a repayment agreement, as described in subsection (6) of this section, the cabinet or its designee shall reapprove CCAP benefits upon payment of the overdue installments.

(8) If a family or provider reapplies for CCAP benefits after discontinuance from the program for refusal to sign a DCC-98 as described in subsection (6) of this section, the cabinet or its designee shall reapprove CCAP benefits upon signing of the DCC-98 and payment of the overdue installments.

(9) If an underpayment has occurred, the cabinet or its designee shall:

(a) Determine the amount owed, and

(b) Issue a refund to the affected party.

(10) If both an overpayment and an underpayment exists for an individual family or provider, the overpayment and underpayment shall be offset one against the other.

Section 16. Criteria for Nonpayment. (1) Payment under the CCAP shall:

(a) Not be made to a licensed provider for more than five (5) absences per child during a month if the provider fails to verify in writing, and maintain attendance records verifying, that the additional absences were related to:

1. A death in the extended family;

2. Illness of:

a. Child; or

b. Applicant;

3. Court orders; or

4. Disaster.

(b) Not be made to a certified provider for more than five (5) absences per child during a month;

(c) Not be made to a registered provider for any absences;

(d) Be denied in accordance with KRS 199.8994(6);

(e) Cease if a family or provider:

1. Defaults on three (3) payments under a repayment agreement with the cabinet or its designee; or

2. Refuses to sign a DCC-98; or

(f) Not be made if a family no longer meets the technical or financial eligibility requirements under the CCAP.

(2) Subject to the availability of state or federal funds, the cabinet may suspend approval of initial application for benefits under the CCAP following the priorities established in Section 12(8) of this administrative regulation.

Section 17. Appeals. The cabinet or its designee shall inform a family that:

(1) Appeal of a denial, reduction, suspension, or termination of benefits shall be submitted in writing to the cabinet or its designee within thirty (30) calendar days of the date of the negative action.

(2) If a family appeals a:

(a) Reduction of benefits, child care assistance benefits shall be available at the reduced level during the appeal; or

(b) Suspension or termination of benefits, child care assistance benefits shall not be available during the appeal.

Section 18. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "DCC-90, Application for Subsidized Child Care Assistance", edition 3/08[~~11/07~~];

(b) "DCC-90.1, Intent to Apply for Child Care Assistance", edition 3/08[~~11/07~~];

(c) "DCC-94, Child Care Service Agreement and Certificate", edition 3/08[~~11/07~~];

(d) "DCC-94B, Licensed or Certified Provider Information Form", edition 3/08[~~11/07~~];

(e) "DCC-97, Provider Billing Form", edition 3/08[~~11/07~~];

(f) "DCC-98, Repayment Agreement", edition 3/08[~~11/07~~];

(g) "DCC-105, Notice of Adverse Action", edition 3/08[~~11/07~~]; and

(h) "DCC-300, Kentucky Child Care Maximum Payment Rates Chart", edition 3/08[~~11/07~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 am through 4:30 pm. [~~(1) "Cabinet" is defined in KRS 199.894.~~

~~(2) "Central region" means Adair, Anderson, Boone, Bourbon, Boyle, Bullitt, Campbell, Carroll, Casey, Clark, Clinton, Cumberland, Estill, Fayette, Franklin, Gallatin, Garrard, Grant, Green, Harrison, Henry, Jefferson, Jessamine, Kenton, Lincoln, Madison, McCreary, Mercer, Nicholas, Oldham, Owen, Pendleton, Powell, Pulaski, Russell, Scott, Shelby, Spencer, Taylor, Trimble, Wayne, and Woodford counties.~~

~~(3) "Child care" means the provision of care for a child for a portion of a day on a regular basis, designed to supplement, but not substitute for, the parent's responsibility for the child's protection, development, and supervision.~~

~~(4) "Child care and development fund" or "CCDF" is defined in 45 C.F.R. 98.2.~~

~~(5) "Child Care Assistance Program" or "CCAP" means Kentucky's child care subsidy program providing families who meet the technical eligibility requirements of Section 2 of this administrative regulation with the financial resources to find and afford quality child care.~~

~~(6) "Child care certificate" is defined in 45 C.F.R. 98.2.~~

~~(7) "Child protective services" is defined in 922 KAR 1:330, Section 1(3).~~

~~(8) "Child with a special need" means a child who has multiple or severe problems that require ongoing specialized care.~~

~~(9) "East region" means Bath, Bell, Boyd, Bracken, Breathitt, Carter, Clay, Elliott, Fleming, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Lawrence, Laurel, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Owsley, Perry, Pike, Robertson, Rockcastle, Rowan, Whitley, and Wolfe counties.~~

~~(10) "Employment" means public or private, permanent or temporary work for a minimum of twenty (20) hours per week for a wage that is paid, including self-employment.~~

~~(11) "Family" means one (1) or more adults and a child or children related by blood or law, including a stepparent or other person standing in loco parentis who resides in the same residence as the child.~~

~~(12) "Family child care home" is:~~

~~(a) Defined in KRS 199.894(5);~~

~~(b) Described in KRS 199.8982; and~~

~~(c) Certified in accordance with 922 KAR 2:100.~~

~~(13) "Full day" means child care is provided for five (5) or more hours per day.~~

~~(14) "Kentucky Transitional Assistance Program" or "K-TAP" means Kentucky's Temporary Assistance for Needy Families or "TANF" money payment program established in 921 KAR Chapter 2.~~

~~(15) "Infant" means a child who is less than twelve (12) months of age.~~

~~(16) "Nonurban" means a county without a first, second, or third class city in KRS 81.010(1) through (3).~~

~~(17) "Parent" is defined in 45 C.F.R. 98.2.~~

~~(18) "Part day" means child care is provided for less than five (5) hours per day.~~

~~(19) "Preschool" means a child more than thirty-six (36) months of age and not attending kindergarten or elementary education.~~

~~(20) "Preventive services" is defined in KRS 620.020(9).~~

~~(21) "Provider" is defined in 45 C.F.R. 98.2.~~

~~(22) "Qualified alien" means a child who meets the U.S. citizenship requirements of 921 KAR 2:006, Section 1(12).~~

~~(23) "Registered provider" means a child care provider who meets the requirements of 922 KAR 2:180.~~

~~(24) "Related" means that a child care provider and a child~~

~~under the provider's care have one (1) of the following familial or legal relationships:~~

~~(a) Parent and biological or adopted child;~~

~~(b) Step parent and step child;~~

~~(c) Grandparent and grandchild,~~

~~(d) Great grandparent and great grandchild;~~

~~(e) Sibling;~~

~~(f)1. Aunt or uncle; and~~

~~2. Niece or nephew; or~~

~~(g) Child custodian and child.~~

~~(25) "School-age child" means a child attending kindergarten, elementary, or secondary education.~~

~~(26) "Self-employment" means earning one's livelihood directly from one's own trade or business for a minimum of twenty (20) hours per week and excludes employment in an individual's residence in which:~~

~~(a) The individual does not leave the residence; and~~

~~(b) Customers do not enter the residence.~~

~~(27) "Teenage parent" means a parent who is:~~

~~(a) Nineteen (19) years of age or younger; and~~

~~(b) Attending high school or pursuing a GED.~~

~~(28) "Toddler" means a child twelve (12) months of age and up to an including thirty-six (36) months of age.~~

~~(29) "Urban" is defined as a county listed in KRS 81.010(1) through (3) as having a first, second, or third class city.~~

~~(30) "West region" means Allen, Ballard, Barren, Breckenridge, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Grayson, Graves, Hancock, Hardin, Hart, Henderson, Hickman, Hopkins, Larue, Livingston, Logan, Lyon, Marion, Marshall, McCracken, McLean, Meade, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Simpson, Todd, Trigg, Union, Warren, Washington, and Webster counties.~~

~~Section 2. Technical Eligibility. (1) A child shall be eligible for a service, if the child:~~

~~(a) Is:~~

~~1. A resident of Kentucky and;~~

~~2. A U.S. citizen or qualified alien;~~

~~(b) Is under age:~~

~~1. Thirteen (13), or~~

~~2. Nineteen (19) and is:~~

~~a. Physically or mentally incapable of caring for himself, as demonstrated by a written document provided by a:~~

~~(i) Physician;~~

~~(ii) Licensed or certified psychologist,~~

~~(iii) Qualified mental health professional as defined in KRS 202A.011(12);~~

~~(iv) Collateral agency approved by the cabinet, including a school or comprehensive care center; or~~

~~(v) Cabinet employee or designee through a child protective services or preventive services authorization;~~

~~b. Under court supervision, or~~

~~c. Identified as a priority by federal statute, regulation, or funding source; and~~

~~(c)1. Resides with a parent who is a teenage parent;~~

~~2. Resides with a parent who:~~

~~a. Receives child protective services, or needs to receive child protective services based upon an assessment conducted by the cabinet's protection and permanency staff pursuant to 922 KAR 1:330, except:~~

~~(i) A child who participates in the CCAP as a result of a child protective services authorization shall be eligible without regard to the family's income; and~~

~~(ii) The child care copay required by Section 3(1)(b) of this administrative regulation may be waived by the cabinet or its designee due to the family's protective services needs or related circumstances; or~~

~~b. Receives child preventive services, or needs to receive child preventive services based upon an assessment conducted by the cabinet's protection and permanency staff pursuant to 922 KAR 1:330, except:~~

~~(i) A child who participates in the CCAP as a result of a preventive services authorization shall be eligible without regard to the family's income;~~

~~(ii) The child care copay shall be assessed in accordance with Section 3(1)(b) of this administrative regulation, unless waived by the cabinet or its designee due to the family's preventive services needs or related circumstances; and~~

~~(iii) A child shall not be eligible for more than one (1) year per authorization;~~

~~3. Resides with a parent whose family's income does not exceed 150 percent of the federal poverty level when the initial application, is made or 165 percent of the federal poverty level when the redetermination is made; and:~~

~~a. Is participating in the Kentucky Works Program described in 921 KAR 2:370;~~

~~b. Has had K-TAP benefits discontinued due to employment,~~

~~c. Is employed for a minimum of twenty (20) hours per week, or~~

~~d. Is enrolled in an educational or training program consistent with an employment goal, and:~~

~~(i) Is employed for a minimum of twenty (20) hours per week; or~~

~~(ii) Meets the requirements of subsection (3) of this section; or~~

~~4. Is placed with a relative caretaker pursuant to the conditions of KRS 605.120(5) whose family's income does not exceed:~~

~~a. 150 percent of the federal poverty level when the initial application is made; and~~

~~b. 165 percent of the federal poverty level when the redetermination.~~

~~(2) A child who resides in a two (2) parent household shall be eligible for participation in the CCAP if the family meets the requirements of subsection (1)(a), (b), and (c)3 of this section and:~~

~~(a) Both parents meet the requirements of subsections (1)(c)2 or (3) of this section; or~~

~~(b) One (1) parent meets one (1) or more of the requirements of subsections (1)(c)1 and 3, and (3) of this section and the other parent:~~

~~1. Is physically or mentally unable to provide adequate care or supervision as demonstrated by written proof from a qualified professional attesting to the parent's inability; or~~

~~2. Meets the requirements of subsection (1)(c)2a or b of this section.~~

~~(3) A child who resides with a parent shall be eligible if the parent participates:~~

~~(a) As an unpaid student in a minimum of twenty (20) hours per week of:~~

~~1. Student teaching;~~

~~2. Internship, or~~

~~3. Practicum; or~~

~~(b) In a combination of paid employment and unpaid student capacity described in paragraph (a) of this subsection equal to twenty (20) hours per week.~~

~~(4) To the extent that state and federal funds are available, financial eligibility for participation in the CCAP may be increased beyond 150 percent of the federal poverty level for initial application and 165 percent of the federal poverty level for redetermination.~~

~~(5) A family shall not be eligible for a CCAP benefit if care is provided by:~~

~~(a) A parent or stepparent;~~

~~(b) A legal guardian;~~

~~(c) a member of the K-TAP or food stamp assistance case in which the child in need of services is included;~~

~~(d) A person living in the same home as the child in need of care;~~

~~(e) A provider not:~~

~~1. Licensed according to 922 KAR 2:090, Child care center licensure;~~

~~2. Certified according to 922 KAR 2:100, Certification of family child care homes, or~~

~~3. Registered according to 922 KAR 2:180, Requirements for registered child care providers in the Child Care Assistance Program;~~

~~(f) An alternative program such as Head Start, state preschool or state kindergarten; or~~

~~(g) Another child care provider if the family operates a child care business in the home.~~

~~(6) If the family's income remains less than 165% of the federal~~

~~poverty level, the family who has transitioned from K-TAP may continue participation in the program.~~

~~(7) Prior to the determination of technical eligibility, a parent of the child shall sign the DCC-90A or DCC-90B, "Application for Subsidized Child Care Assistance".~~

~~(8) If the restrictions specified in subsection (5) of this section do not apply to the related provider, the related provider may be eligible for payment from the Child Care Assistance Program.~~

~~Section 3. Parental Rights and Responsibilities. (1) The family of a child served by the CCAP shall:~~

~~(a) Have rights pursuant to KRS 199.898(1) and (2); and~~

~~(b) Be responsible for a copay in accordance with the family fee scale in Section 4(5) of this administrative regulation, if the child care copay has not been waived under a child protective services authorization or preventive services authorization.~~

~~(2) If a court orders a parent of a CCAP eligible child to pay a portion of the child's day care expenses, that payment shall be in lieu of the parental copayment required by Section 4(5) of this administrative regulation.~~

~~(3) Unless an alternative program such as Head Start, state preschool or state kindergarten is available and accessible during the time child care is needed, a parent of a child who receives or has been approved to receive CCAP benefits shall be offered a:~~

~~(a) Child care service subject to the availability of state and federal funds; and~~

~~(b) Choice:~~

~~1. Pursuant to the option offered in 45 C.F.R. 98.30(a)(1); or~~

~~2. To receive a child care certificate, DCC-94A or DCC-94B, Child Care Service Agreement and Certificate, that shall be:~~

~~a. Issued to the parent; and~~

~~b. Of value commensurate with the subsidy value of a child care service provided in subparagraph 1 of this paragraph.~~

~~(4) The DCC-94A or DCC-94B shall:~~

~~(a) Be used for a child care service provided by a licensed, certified, or registered provider, or agency; and~~

~~(b) Not be considered a contract or grant to the child care provider, but shall be considered assistance to the parent pursuant to 45 C.F.R. 98.30(c)(6).~~

~~(5) a parent may change his provider a maximum of three (3) times in a twelve (12) month period, unless an exception is authorized by the cabinet or its designee due to:~~

~~(a) A natural disaster;~~

~~(b) Closure of a provider;~~

~~(c) Familial circumstances, such as relocation, illness, or death; or~~

~~(d) A risk to the health, welfare, or safety of the child or parent.~~

~~(6)(a) Unless there is an exception pursuant to KRS 214.036, a parent shall present to the cabinet or its designee a current immunization certificate showing that the child is immunized in order to receive a child care service under the CCAP.~~

~~(b) If a child served by the CCAP is not immunized, child care assistance benefits shall be available or continue for a period of thirty (30) days while the family takes necessary action to comply with the immunization requirement.~~

~~Section 4. State and Provider Requirements. (1) The cabinet or its designee shall provide consumer information regarding:~~

~~(a) The range of provider options pursuant to 45 C.F.R. 98.30;~~

~~(b) Parental rights pursuant to KRS 199.898(2);~~

~~(c) The K-TAP exception in which K-TAP benefits may not be reduced or terminated pursuant to 921 KAR 2:370 for a single custodial parent who refuses to work if the parent demonstrates an inability to obtain child care services for a child under age six (6); and~~

~~(d) Conditions for termination of the DCC-94A or DCC-94B, pursuant to KRS 199.8994(6)(b).~~

~~(2) The cabinet shall assure that a provider of a child care service funded under the CCDF and other local, state, or federal funds shall comply with the applicable regulatory requirements pursuant to:~~

~~(a) 922 KAR 2:090, Child care center licensure;~~

~~(b) 922 KAR 2:100, Certification of family child care homes;~~

~~(c) 922 KAR 2:110, Child care facility provider requirements;~~

~~(d) 922 KAR 2:120, Child care facility health and safety standards; and~~

~~(e) 922 KAR 2:180, Requirements for registered child care providers in the Child Care Assistance Program.~~

~~(3) The cabinet has established the maximum child day care payment as follows:~~

~~(a) The following charts represent the local maximum payment rate on a per day basis. The local maximum payment rate charts include the following categories:~~

~~1. Full day;~~
~~2. Part day;~~
~~3. Urban;~~
~~4. Nonurban;~~
~~5. Licensed;~~
~~6. Certified;~~
~~7. Registered;~~
~~8. Infant/Toddler;~~
~~9. Preschool; and~~
~~10. School age.~~

~~(b) Except in Bullitt, Carter, Gallatin, Grant, Oldham, Pendleton, Scott, and Woodford counties, the following child care maximum payment rates shall be effective the first day of the month following the adoption of this administrative regulation.~~

~~KENTUCKY CHILD CARE MAXIMUM PAYMENT RATES~~

EAST REGION												
	Licensed				Certified				Registered			
	Full Day		Part Day		Full Day		Part Day		Full Day		Part Day	
	Urban	Nonurban	Urban	Nonurban	Urban	Nonurban	Urban	Nonurban	Urban	Nonurban	Urban	Nonurban
Infant/Toddler	19	18	14	13	17	17	14	13	10	10	6	6
Preschool	16	15	11	11	15	16	11	11	10	10	6	6
School-Age	16	15	11	11	15	16	9	9	10	10	6	6

WEST REGION												
	Licensed				Certified				Registered			
	Full Day		Part Day		Full Day		Part Day		Full Day		Part Day	
	Urban	Nonurban	Urban	Nonurban	Urban	Nonurban	Urban	Nonurban	Urban	Nonurban	Urban	Nonurban
Infant/Toddler	19	18	14	13	17	16	13	12	10	10	6	6
Preschool	18	16	15	14	16	15	12	12	10	10	6	6
School-Age	16.75	16	15	14	16	15	13	12	10	10	6	6

CENTRAL REGION

	~~Licensed~~				~~Certified~~				~~Registered~~			
	~~Full Day~~		~~Part Day~~		~~Full Day~~		~~Part Day~~		~~Full Day~~		~~Part Day~~	
	~~Urban~~	~~Nonurban~~	~~Urban~~	~~Nonurban~~	~~Urban~~	~~Nonurban~~	~~Urban~~	~~Nonurban~~	~~Urban~~	~~Nonurban~~	~~Urban~~	~~Nonurban~~
~~Infant/Toddler~~	~~24~~	~~20~~	~~18~~	~~14~~	~~21~~	~~18~~	~~17~~	~~14~~	~~13~~	~~13~~	~~8~~	~~8~~
~~Preschool~~	~~21~~	~~17~~	~~15~~	~~10~~	~~19~~	~~17~~	~~15~~	~~10~~	~~12~~	~~12~~	~~7~~	~~7~~
~~School-Age~~	~~20~~	~~16~~	~~13~~	~~9~~	~~18~~	~~16.75~~	~~13~~	~~10~~	~~11~~	~~11~~	~~6~~	~~6~~

~~(c) The following child care maximum payment rates shall be effective for Carter county the first day of the month following the adoption of this administrative regulation.~~

	~~Licensed~~		~~Certified~~		~~Registered~~	
	~~Full Day~~	~~Part Day~~	~~Full Day~~	~~Part Day~~	~~Full Day~~	~~Part Day~~
~~Infant/Toddler~~	~~19~~	~~14~~	~~17~~	~~14~~	~~10~~	~~6~~
~~Preschool~~	~~15~~	~~11~~	~~15~~	~~11~~	~~10~~	~~6~~
~~School-Age~~	~~15~~	~~11~~	~~15~~	~~9~~	~~10~~	~~6~~

~~(d) The following child care maximum payment rates shall be effective for Bullitt, Gallatin, Grant, Oldham, Pendleton, Scott, and Woodford county the first day of the month following the adoption of this administrative regulation.~~

	~~Licensed~~		~~Certified~~		~~Registered~~	
	~~Full Day~~	~~Part Day~~	~~Full Day~~	~~Part Day~~	~~Full Day~~	~~Part Day~~
~~Infant/Toddler~~	~~23~~	~~18~~	~~20~~	~~17~~	~~13~~	~~8~~
~~Preschool~~	~~20~~	~~15~~	~~18~~	~~15~~	~~12~~	~~7~~
~~School-Age~~	~~19~~	~~13~~	~~17~~	~~13~~	~~11~~	~~6~~

~~(4) If the same amount is charged to the general public:~~

~~(a) A licensed or certified provider may receive, to the extent funds are available:~~

~~1. Two (2) dollars per day beyond the maximum rate if the provider is accredited by the:~~

~~a. National Association for the Education for Young Children;~~

~~b. National Early Childhood Program Accreditation;~~

~~c. National Association for Family Child Care;~~

~~d. National School Aged Child Care Alliance; or~~

~~e. Other accrediting body approved by the Early Childhood Development Authority or the cabinet;~~

~~2. One (1) dollar per day beyond the maximum rate for nontraditional hour care for each child receiving services between:~~

~~a. 6 p.m. to 6 a.m.; or~~

~~b. Friday, 6 p.m. through Monday, 6 a.m.; and~~

~~(b) A licensed, certified, or registered provider may receive, to the extent funds are available, a special care rate of one (1) additional dollar per day beyond the maximum rate for care of a child.~~

~~1. With a special need, or~~

~~2. Who is between age thirteen (13) and nineteen (19) and is:~~

~~a. Physically and mentally incapable of caring for himself, or~~

~~b. Under court supervision.~~

~~(5)(a) The cabinet or its designee shall determine a copay that the family shall pay to the provider for the cost of child day care, based on the following sliding scale:~~

~~Family Fee Scale (Family Co-Pay Per Day)~~								
~~Income Range Monthly~~		~~Family Size 2 Family Co-Pay With 1 Child~~	~~Family Size 3 Family Co-Pay~~		~~Family Size 4 Family Co-Pay~~		~~Family Size 5 or More Family Co-Pay~~	
			~~With 1 Child~~	~~With 2 or more~~	~~With 1 Child~~	~~With 2 or more~~	~~With 1 Child~~	~~With 2 or more~~
~~0~~	~~899~~	~~$0~~	~~$0~~	~~$0~~	~~$0~~	~~$0~~	~~$0~~	~~$0~~
~~900~~	~~999~~	~~$2.50~~	~~$2.50~~	~~$3~~	~~$2.50~~	~~$2.75~~	~~$2.25~~	~~$2.75~~
~~1,000~~	~~1,099~~	~~$3.25~~	~~$3.25~~	~~$3.75~~	~~$2.75~~	~~$3.25~~	~~$2.50~~	~~$3~~
~~1,100~~	~~1,199~~	~~$4~~	~~$4~~	~~$4.50~~	~~$3.25~~	~~$3.75~~	~~$2.75~~	~~$3.25~~
~~1,200~~	~~1,299~~	~~$4.50~~	~~$4.50~~	~~$5~~	~~$4~~	~~$4.50~~	~~$3~~	~~$3.50~~
~~1,300~~	~~1,399~~	~~$5~~	~~$5~~	~~$5.50~~	~~$5~~	~~$5.50~~	~~$3.50~~	~~$4.25~~
~~1,400~~	~~1,499~~	~~$6.50~~	~~$5.50~~	~~$6.25~~	~~$5.50~~	~~$6.25~~	~~$4.25~~	~~$4.75~~
~~1,500~~	~~1,599~~	~~$7.50~~	~~$6~~	~~$6.75~~	~~$6~~	~~$6.75~~	~~$5~~	~~$5.75~~
~~1,600~~	~~1,699~~	~~$8.50~~	~~$6.50~~	~~$7.50~~	~~$6.50~~	~~$7.50~~	~~$6~~	~~$6.75~~
~~1,700~~	~~1,799~~	~~$9.50~~	~~$7~~	~~$8~~	~~$7~~	~~$8~~	~~$6.75~~	~~$7.50~~
~~1,800~~	~~1,899~~	~~$10~~	~~$8.50~~	~~$9.50~~	~~$7.50~~	~~$8.50~~	~~$7.50~~	~~$8.50~~
~~1,900~~	~~1,999~~	~~$10.50~~	~~$9.50~~	~~$10.50~~	~~$8~~	~~$9~~	~~$8~~	~~$9~~
~~2,000~~	~~2,099~~	~~$11~~	~~$10.50~~	~~$11.50~~	~~$8.50~~	~~$9.50~~	~~$8.50~~	~~$9.50~~
~~2,100~~	~~2,199~~	~~$12~~	~~$10.50~~	~~$11.50~~	~~$9~~	~~$10~~	~~$9~~	~~$10~~
~~2,200~~	~~2,299~~	~~$12~~	~~$11.50~~	~~$12.50~~	~~$10.50~~	~~$11.50~~	~~$9.50~~	~~$10.50~~
~~2,300~~	~~2,399~~		~~$12.50~~	~~$13.50~~	~~$11.25~~	~~$12.25~~	~~$9.75~~	~~$10.75~~
~~2,400~~	~~2,499~~		~~$12.50~~	~~$13.50~~	~~$12.25~~	~~$13.25~~	~~$10.25~~	~~$11.25~~
~~2,500~~	~~2,599~~		~~$13.50~~	~~$14.50~~	~~$12.25~~	~~$13.25~~	~~$10.75~~	~~$11.75~~
~~2,600~~	~~2,699~~		~~$13.50~~	~~$14.50~~	~~$13.25~~	~~$14.50~~	~~$12.25~~	~~$13.25~~
~~2,700~~	~~2,799~~				~~$13.25~~	~~$14.50~~	~~$13.25~~	~~$14.25~~
~~2,800~~	~~2,899~~				~~$14.25~~	~~$15.50~~	~~$14.25~~	~~$15.75~~
~~2,900~~	~~2,999~~				~~$14.25~~	~~$15.50~~	~~$16.25~~	~~$17.25~~
~~3,000~~	~~3,099~~				~~$15.25~~	~~$16.50~~	~~$18.25~~	~~$19.25~~

~~3,100~~	~~3,199~~				~~$15.25~~	~~$16.50~~	~~$20.25~~	~~$21.25~~
~~3,200~~	~~3,299~~						~~$20.25~~	~~$21.25~~
~~3,300~~	~~3,399~~						~~$22.25~~	~~$23.25~~
~~3,400~~	~~3,499~~						~~$22.25~~	~~$23.25~~
~~3,500~~	~~3,599~~						~~$24.25~~	~~$25.25~~
~~3,600~~	~~3,699~~						~~$25.25~~	~~$25.25~~

~~(b) The family fee scale shall be effective the first day of the month following the adoption of this administrative regulation.~~

~~(6) The cabinet or its designee shall determine the maximum daily reimbursement rate and parent copay, not to exceed rates specified in subsections (3) through (5) of this section.~~

~~(7) the parent of a child served by the CCAP, per theDCC-94A or DCC-94B, shall advise the cabinet or its designee of a change in family size, address, or income within ten (10) days.~~

~~(8) Unless a family's child care copay has been waived, the cabinet or its designee shall include the income of each adult family member in the household when calculating a family's gross monthly income with the following exceptions:~~

~~(a) A child's:~~

~~1. Wages; or~~

~~2. Other income;~~

~~(b) Food stamps;~~

~~(c) A one (1) time lump payment;~~

~~(d) Supplemental Security Income or Social Security received in the child's name;~~

~~(e) Daily per diem received as a foster parent;~~

~~(f) A court award;~~

~~(g) A monetary gift;~~

~~(h) Military education benefits;~~

~~(i) K-TAP benefits received on behalf of the child only; and~~

~~(j) An employer only contribution listed on a pay check stub.~~

~~(9) Continued eligibility under the CCAP shall be redetermined:~~

~~(a) Every twelve (12) months; or~~

~~(b) Upon receipt of a reported change.~~

~~(10) The cabinet shall prioritize child care assistance benefits as determined by the available funds as follows:~~

~~(a) Child protective services or preventive services authorization;~~

~~(b) A child with a special need;~~

~~(c) A teen parent;~~

~~(d) A K-TAP recipient attempting through employment to transition off assistance;~~

~~(e) A parent whose K-TAP case has been discontinued during the previous twelve (12) months and who needs child care assistance in order to accept or retain employment;~~

~~(f) A low income working parent; and~~

~~(g) A parent in education or training.~~

~~(11) If CCAP services are reduced or terminated due to the shortage of funding, the cabinet shall provide a minimum thirty (30) day notice to each family receiving services.~~

~~(12) If the daily maximum payment rate is reduced due to the shortage of funding, the cabinet shall provide a minimum thirty (30) day notice to licensed, certified, or registered providers.~~

~~(13) A licensed or certified provider that serves a child who participates in the CCAP shall:~~

~~(a) Report more than five (5) absences per month to the cabinet or its designee; and~~

~~(b) Maintain and submit, upon request of the cabinet or its designee, a monthly sign in sheet in which the arrival and departure time of each child has been recorded.~~

~~(14) Payment under the CCAP to a registered provider shall be based on the number of days reported on the DCC-97, Provider Billing Form that child care services are provided.~~

~~(15) Upon the effective date of this administrative regulation, a child care center that receives subsidized child care payments, in accordance with this administrative regulation, for forty (40) or more full time or part time children shall:~~

~~(a) Have two (2) years to meet the requirements of a STARS for KIDS NOW center as specified in 922 KAR 2:170; and~~

~~(b) Despite any fluctuation in the number of subsidized children eligible for payments receiving care in the child care center, maintain a STARS for KIDS NOW center rating as specified in 922 KAR 2:170.~~

~~Section 5. Recoupment. (1) The cabinet shall recoup a CCAP overpayment in each of the following cases:~~

~~(a) Fraud pursuant to 45 C.F.R. 98.60(i)~~

~~(b) Overpayment on behalf of a parent to a child care provider due to provider error.~~

~~(2) An overpayment shall be recovered through a reduction in the amount payable to the provider.~~

~~(3) An underpayment and an overpayment may be offset against each other in adjusting an incorrect payment.~~

~~(4) If a family's child care assistance benefit is reduced or terminated, the cabinet or its designee shall provide the family with a minimum of ten (10) days notice of the change in benefits.~~

~~(5) The cabinet shall recover the amount of an improper payment pursuant to KRS 45.237-241, including assistance paid pending the outcome of a hearing, from the claimant payee.~~

~~Section 6. Criteria for Suspension or Termination of Services Under the CCAP. (1) If a family does not comply with a required copay:~~

~~(a) The cabinet or its designee shall develop a payment plan with the family;~~

~~(b) The family shall not transfer to another provider until the family demonstrates compliance with the payment plan, unless approval is granted by the cabinet or its designee due to:~~

~~(a) A natural disaster;~~

~~(b) Closure of a provider;~~

~~(c) Familial circumstances, such as relocation, illness, or death; or~~

~~(d) A risk to the health, welfare, or safety of the child or parent; and~~

~~(c) CCAP benefits may be suspended during the period in which back payment is owed to the provider.~~

~~(2) The cabinet or its designee shall investigate each allegation of fraud or overpayment and establish a repayment agreement with a family for the purpose of recovering a CCAP overpayment.~~

~~(3) Benefits under the CCAP shall be:~~

~~(a) Suspended if a family defaults on up to two (2) payments under a repayment agreement, suspension to end upon compliance with the repayment agreement, or~~

~~(b) Terminated if a family:~~

~~1. Resides out of state;~~

~~2. No longer meets the age, income, or parental status requirements established in Section 2(1), (2) or (3) of this administrative regulation;~~

~~3. Fails to comply with the redetermination requirement established in Section 4(9) of this administrative regulation;~~

~~4. Fails to provide verification of income if a copay has not been waived;~~

~~5. Defaults on three (3) payments under a repayment agreement with the cabinet; or~~

~~6. Refuses to sign DCC-98 a, Repayment Agreement.~~

~~(4) If a family reapplies for CCAP benefits after termination from the program for noncompliance with a repayment agreement, as described in subsection (3)(b)5 of this section, the cabinet or its designee shall reapprove CCAP benefits upon payment of the three (3) overdue installments.~~

~~(5) If a family reapplies for CCAP benefits after termination from the program for refusal to sign a DCC-98, as described in subsection (3)(b)6 of this section, the cabinet or its designee shall reapprove CCAP benefits upon signing of the DCC-98, and payment of two (2) installments.~~

~~Section 7. Criteria for Nonpayment under the CCAP. (1) Payment under the CCAP shall:~~

~~(a) Not be made to a licensed provider for more than five (5) absences per child during a month if the provider fails to:~~

~~1. Request payment from the cabinet or its designee prior to submitting the DCC-97; and~~

~~2. Provide explanation for a child having more than five (5) absences;~~

~~(b) Not be made to a certified provider for more than five (5) absences per child during a month;~~

~~(c) Be denied in accordance with KRS 199.8994(6);~~

~~(d) Cease permanently if a provider:~~

~~1. Defaults on three (3) payments under a repayment agreement with the cabinet or its designee; or~~

~~2. Refuses to sign a DCC-98.~~

~~(e) Not be made after the date in which a family begins using a different provider;~~

~~(f) Not be made if a family no longer meets the technical eligibility requirements under the CCAP; or~~

~~(g) Not be made if the child care provider fails to comply with Section 4(15) of this administrative regulation.~~

~~(2) Subject to the availability of state or federal funds, the cabinet may suspend approval of initial application for benefits under the CCAP following the priorities established in Section 4(10) of this administrative regulation.~~

~~Section 8. Appeals. The cabinet or its designee shall inform a family that:~~

~~(1) Appeal of a denial, reduction, suspension, or termination of benefits shall be submitted in writing to the cabinet or its designee within thirty (30) days of the date of the negative action; and~~

~~(2) If a family appeals:~~

~~(a) A reduction of benefits, child care assistance benefits shall be available at the reduced level during the appeal; or~~

~~(b) Suspension or termination of benefits, child care assistance benefits shall not be available during the appeal.~~

~~Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:~~

~~(a) "DCC-90A, Application for Subsidized Child Care Assistance", edition 09/06;~~

~~(b) "DCC-90B, Application for Subsidized Child Care Assistance", edition 09/06;~~

~~(c) "DCC-94A, Child Care Service Agreement and Certificate", edition 09/06;~~

~~(d) "DCC-9BA, Child Care Service Agreement and Certificate", edition 09/06;~~

~~(e) "DCC-97, Provider Billing Form", edition 09/06; and~~

~~(f) "DCC-98, Repayment Agreement", edition 09-06.~~

~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

MARK A. WASHINGTON, Commissioner
TOM EMBERTON JR., Deputy Secretary
MARK D. BIRDWHISTELL, Secretary

APPROVED BY AGENCY: September 13, 2007

FILED WITH LRC: September 14, 2007 at 10 a.m.

CONTACT PERSON: Jill Brown, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone (502) 564-7905, fax (502) 564-7573.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING OR RECEIPT OF WRITTEN COMMENTS

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Long Term Care and Community Alternatives
(Amended After Comments)

907 KAR 1:044. Community mental health center services.

RELATES TO: RELATES TO: KRS 194A.060, 205 520(3), 205 8451(9), 422.317, 434.840-434.860, 42 C.F.R. 415 208, 431.52, 431 Subpart F

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 210 450, 42 U.S.C. 1396a-d,

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services has responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry This administrative regulation establishes the provisions for community mental health center (CMHC) services.

Section 1. Definitions (1) "Community mental health center" or **"CMHC"** means a facility which meets the community mental health center requirements established in 902 KAR 20:091, Facilities specifications, operation and services; community mental health center.

(2) "Department" means the Department for Medicaid Services or its designee.

Section 2. Requirements for a Psychiatric Nurse. [~~(1) Except as provided in subsection (2) of this section, for the purpose of providing Medicaid Program reimbursable services,~~] A registered nurse employed by a participating community mental health center shall be considered a psychiatric or mental health nurse if he or she:

(1) Possesses a master of science in nursing with a specialty in psychiatric or mental health nursing;

(2) Is a graduate of a four (4) year nursing educational program with:

(a) A bachelor of science in nursing; and

(b) Possesses at least one (1) year of experience in a mental health setting;

(3) Is a graduate of a three (3) year nursing educational program and possesses at least two (2) years of experience in a mental health setting;

(4) Is a graduate of a two (2) year nursing educational program with:

(a) An associate degree in nursing; and

(b) At least three (3) years of experience in a mental health setting; or

(5) Possesses any level of education with American Nursing Association certification as a psychiatric and mental health nurse.

[~~the nurse meets any of the following criteria:~~

~~(a) Master of Science in Nursing (MSN) with specialty in psychiatric/mental health nursing, with additional experience not required;~~

~~(b) Graduate of a four (4) year nursing educational program, with a Bachelor of Science in Nursing (BSN) and with a minimum of one (1) year of experience in a mental health setting;~~

~~(c) Graduate of a three (3) year nursing educational program (diploma graduate), and with a minimum of two (2) years of experience in a mental health setting;~~

~~(d)] Graduate of a two (2) year nursing educational program, with an Associate Degree in Nursing (ADN) and with a minimum of three (3) years of experience in a mental health setting; or~~

~~(e) Any level of education with American Nursing Association (ANA) certification as a psychiatric and mental health nurse.~~

~~(2) A registered nurse employed by a participating mental health center in Kentucky on June 30, 1981 shall be considered a psychiatric nurse if their employment with the center continues, for the purpose of providing Medicaid Program reimbursable services.~~]

Section 3 [~~2~~] Community Mental Health Center Services Manual. The Community Mental Center Services Health Manual specifies[~~shall specify~~] the conditions for participation, services covered, and limitations for the community mental health center services component of the Medicaid Program.

Section 4 [~~3~~] Covered Services. Inpatient services, outpatient services, therapeutic rehabilitation services, emergency services and personal care home services shall be covered if:

(1) Provided by a community mental health center;

(2) Provided in accordance with this administrative regulation and the Community Mental Health **Center Services** Manual; and

(3) They meet all applicable departmental requirements. [~~The following services provided by a participating community mental health center shall be covered, if provided in accordance with this administrative regulation and the Community Mental Health Manual, and if they meet all applicable departmental requirements:~~

~~(1) Inpatient services;~~

~~(2) Outpatient services;~~

~~(3) Therapeutic rehabilitation services;~~

~~(4) Emergency services; and~~

~~(5) Personal care home services.~~]

Section 5 [~~4~~] Electronic Documents and Signatures. (1) The creation, transmission, storage, or other use of electronic signatures and documents shall comply with requirements established in KRS 369.101 to 369.120 and all applicable state and federal laws and regulations.

(2) A CMHC [~~provider~~] choosing to utilize electronic signatures shall:

(a) Develop and implement a written security policy which shall:

1. Be complied with by each of the provider's employees, officers, agents, and contractors; and

2. Stipulate which individuals have access to which electronic signatures and password authorization:

(b) Ensure that electronic signatures are created, transmitted and stored securely; and

(c) Develop a consent form which shall:

1. Be completed and executed by each individual utilizing an electronic signature;

2. Attest to the signature's authenticity; and

3. Include a statement indicating that the individual has been notified of his or her[~~their~~] responsibility in allowing the use of the electronic signature.

Section 6 [~~5~~] Appeal Rights. (1) An appeal of a department decision regarding a Medicaid recipient[~~member~~] based upon an application of this administrative regulation shall be in accordance with 907 KAR 1:563.

(2) An appeal of a department decision regarding a Medicaid recipient[~~member~~] based upon an application of this administrative regulation shall be in accordance with 907 KAR 1.563.

(3) An appeal of a department decision regarding a Medicaid provider based upon an application of this administrative regulation shall be in accordance with 907 KAR 1:671.

Section 7 [~~6~~] Incorporation by Reference. (1) The "Community Mental Health **Center Services** Manual", **January 2008**[~~June 2007,~~][~~April 2006~~] edition", is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Medicaid Services, 275 East Main Street, 6th Floor West, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

ELIZABETH A JOHNSON, Commissioner
JANIE MILLER, Secretary
APPROVED BY AGENCY: March 13, 2008
FILED WITH LRC: March 14, 2008 at 11 a.m.
CONTACT PERSON: Jill Brown, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone (502) 564-7905, fax (502) 564-7573

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stuart Owen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes provisions related to community mental health center services.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish provisions related to community mental health center services.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 210.450 and other authorizing statutes by establishing provisions related to community mental health services.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of KRS 210.450 and other authorizing statutes by establishing provisions related to community mental health services

(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: This amendment eliminates the requirement, via revision to the Community Mental Health Center Services Manual, that a psychiatrist sign every recipient treatment plan. The material incorporated by reference is amended after comments to reinsert material inadvertently omitted previously.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to enable psychiatrists to spend more time providing direct face-to-face therapy with recipients rather than being sidetracked by having to sign every treatment plan The necessity of the amendment remains the same in the amended after comment regulation.

(c) How the amendment conforms to the content of the authorizing statutes· This amendment conforms to the content of the authorizing statutes by enabling psychiatrists to focus more on care rather than administration. The amended after comments regulation is unchanged regarding how the regulation conforms to the content of the authorizing statutes.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the authorizing statutes by enabling psychiatrists to focus more on care rather than administration. The amended after comment regulation will continue the same in this area

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: This administrative regulation will affect community mental health center service recipients and all fourteen (14) community mental health centers. The amended after comment regulation will affect community mental health center service recipients and all fourteen (14) community mental health centers.

(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. The amendment eliminates the requirement that a psychiatrist sign every treatment plan; thus reducing psychiatrists' administrative burden and enabling them to spend more time providing direct face-to-face therapy with recipients. The amended after comment regulation does not change

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3) This amendment imposes no cost on the regulated entities. The amended after comment regulation imposes no cost on the regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3). As a result of the amendment, psychiatrists will be enabled to spend more time providing direct therapy with recipients which in turn should benefit recipients. The amended after comments regulation will remain unchanged regarding benefits provided to recipients.

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

(a) Initially: The Department for Medicaid Services (DMS) anticipates no cost as a result of the amendment. Likewise, DMS anticipates no cost as a result of the amended after comments regulation.

(b) On a continuing basis. DMS anticipates no cost as a result of the amendment. DMS anticipates no cost as a result of the amended after comments regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The sources of revenue to be used for implementation and enforcement of this administrative regulation are federal funds authorized under Title XIX of the Social Security Act and matching funds from general fund appropriations. The sources of revenue remain unchanged in the amended after comments regulation.

(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: Neither an increase in fees nor funding is necessary as a result of the amendment. Neither an increase in fees nor funding is necessary as a result of the amended after comments regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment neither establishes nor increases any fee The amended after comment regulation neither establishes nor increases any fee.

(9) Tiering: Is tiering applied? Tiering is not applied. Tiering is not applied in the amended after comments regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This amendment will affect community mental health centers. The amended after comments regulation will affect community mental health centers.

3 Identify each state or federal regulation that requires or authorizes the action taken by the administrative regulation. This amendment is authorized by 194A.030(2), 194A.050(1), 205.520(3), 210.450 and 42 U.S.C. 1396a-d. The amended after comments regulation does not change this authority.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? DMS anticipates no revenue will be generated by the amendment. DMS anticipates no revenue will be generated by the amended after comments regulation

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years. DMS anticipates no revenue will be generated by the amendment. DMS anticipates no revenue will be generated by the amended after comments regulation.

(c) How much will it cost to administer this program for the first year? DMS anticipates no cost as a result of the amendment. DMS anticipates no cost as a result of the amended after comments regulation.

(d) How much will it cost to administer this program for subse-

quent years? DMS anticipates no cost as a result of the amendment. Likewise, DMS anticipates no cost as a result of the amended after comments regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanations:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Long Term Care and Community Alternatives
(Amended After Comments)

907 KAR 1:160. Home and community based waiver services.

RELATES TO: KRS 205.520(3), 205.5605, 205.5606, 205.5607, 205.635, 42 C.F.R. 440.180

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.5606, 42 C.F.R. 440.180, 42 U.S.C. 1396a, b, d, n

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services has responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. KRS 205.5606(1) requires the cabinet to promulgate administrative regulations to establish a consumer-directed services program to provide an option for the home and community based services waiver. This administrative regulation establishes the provisions for home and community based waiver services, including a consumer directed services option pursuant to KRS 205 5606.

Section 1. Definitions. (1) "ADHC" means adult day health care.

(2) "ADHC center" means an adult day health care center licensed in accordance with 902 KAR 20:066, Operation and services; adult day health care programs.

(3) "ADHC services" means health-related services provided on a regularly-scheduled basis that ensure optimal functioning of an HCB recipient who does not require twenty-four (24) hour care in an institutional setting

(4) "Advanced registered nurse practitioner" or "ARNP" means a person who acts within his or her scope of practice and is licensed in accordance with KRS 314.042.

(5) "Assessment team" means a team which:

(a) Conducts assessment or reassessment services; and

(b) Consists of:

1. Two (2) registered nurses; or

2. One (1) registered nurse and one (1) of the following:

a. A social worker;

b. A certified psychologist with autonomous functioning;

c. A licensed psychological practitioner;

d. A licensed marriage and family therapist; or

e. A licensed professional clinical counselor.

(6) "Blended services" means a nonduplicative combination of HCB waiver services identified in Section 5 of this administrative regulation and CDO services identified in Section 6 of this administrative regulation provided pursuant to a recipient's approved plan of care.

(7) "Budget allowance" is defined by KRS 205.5605(1).

(8) "Certified psychologist with autonomous functioning" or "licensed psychological practitioner" means a person licensed pursuant to KRS Chapter 319.

(9) "Communicable disease" means a disease that is transmitted:

(a) Through direct contact with an infected individual;

(b) Indirectly through an organism that carries disease-causing microorganisms from one (1) host to another or a bacteriophage, a plasmid, or another agent that transfers genetic material from one (1) location to another, or

(c) Indirectly by a bacteriophage, a plasmid, or another agent that transfers genetic material from one (1) location to another.

(10) "Consumer" is defined by KRS 205.5605(2).

(11) "Consumer-directed option" or "CDO" means an option established by KRS 205.5606 within the home- and community-based services waiver that allows recipients to:

(a) Assist with the design of their programs;

(b) Choose their providers of services; and

(c) Direct the delivery of services to meet their needs.

(12) "Covered services and supports" is defined by KRS 205.5605(3).

(13) "DCBS" means the Department for Community Based Services.

(14) "Department" means the Department for Medicaid Services or its designee.

(15) "Electronic signature" is defined by KRS 369.102(8).

(16) "HCB recipient" means an individual who:

(a) Is a recipient as defined by KRS 205.8451(9);

(b) Meets the NF level of care criteria established in 907 KAR 1:022, Nursing facility services and intermediate care facility for individuals with mental retardation or a developmental disability services; and

(c) Meets the eligibility criteria for HCB waiver services established in Section 4 of this administrative regulation.

(17) "Home and community based waiver services" or "HCB waiver services" means home and community based waiver services for individuals who meet the requirements of Section 4 of this administrative regulation.

(18) "Home and community support services" means nonresidential and nonmedical home and community based services and supports that:

(a) Meet the consumer's needs; and

(b) Constitute a cost-effective use of funds.

(19) "Home health agency" means an agency that is:

(a) Licensed in accordance with 902 KAR 20.081, Operation and services; home health agencies; and

(b) Medicare and Medicaid certified.

(20) "Licensed marriage and family therapist" or "LMFT" is defined by KRS 335.300(2).

(21) "Licensed practical nurse" or "LPN" means a person who:

(a) Meets the definition of KRS 314.011(9); and

(b) Works under the supervision of a registered nurse.

(22) "Licensed professional clinical counselor" or "LPCC" is defined by KRS 335.500(3)

(23) "NF" means nursing facility.

(24) "NF level of care" means a high intensity or low intensity patient status determination made by the department in accordance with 907 KAR 1:022, Nursing facility services intermediate care facility for individuals with mental retardation or a developmental disability services.

(25) "Normal baby sitting" means general care provided to a child which includes custody, control, and supervision.

(26) "Occupational therapist" is defined by KRS 319A.010(3).

(27) "Occupational therapist assistant" is defined by KRS 319A.010(4).

(28) "Patient liability" means the financial amount an individual is required to contribute toward cost of care in order to maintain Medicaid eligibility.

(29) "Physical therapist" is defined by KRS 327.010(2).

(30) "Physical therapist assistant" means a skilled health care worker who:

(a) Is certified by the Kentucky Board of Physical Therapy; and

(b) Performs physical therapy and related duties as assigned by the supervising physical therapist.

(31) "Physician assistant" or "PA" is defined by KRS 311.840(3).

(32) "Plan of care" or "POC" means a written individualized plan developed by an HCB recipient or an HCB recipient's legal representative, case manager, or other individual designated by the HCB recipient.

(33) "Plan of treatment" means a care plan used by an ADHC center.

(34) "Registered nurse" or "RN" means a person who:

(a) Meets the definition established in KRS 314.011(5); and

(b) Has one (1) year or more experience as a professional nurse.

(35) "Representative" is defined by KRS 205.5605(6).

(36) "Sex crime" is defined by KRS 17.165(1).

(37) "Social worker" means a person with a bachelor's degree in social work, sociology, or a related field.

(38) "Speech-language pathologist" is defined by KRS 334A.020(3).

(39) "Support broker" means an individual chosen by a consumer from an agency designated by the department to:

(a) Provide training, technical assistance, and support to a consumer; and

(b) Assist a consumer in any other aspects of CDO.

(40) "Support spending plan" means a plan for a consumer that identifies the:

(a) CDO services requested;

(b) Employee name;

(c) Hourly wage;

(d) Hours per month;

(e) Monthly pay;

(f) Taxes; and

(g) Budget allowance.

(41) "Violent crime" is defined by KRS 17:165(3).

Section 2. Provider Participation. (1) In order to provide HCB waiver services, excluding consumer directed option services, a provider shall be a home health agency or ADHC center that provides services:

(a) Directly; or

(b) Indirectly through a subcontractor.

(2) An out-of-state provider shall comply with the requirements of this administrative regulation.

(3) A provider shall:

(a) Comply with the following administrative regulations and program requirements:

1. 902 KAR 20.081, Operations and services; home health agencies;

2. 907 KAR 1:671, Conditions of Medicaid provider participation; withholding overpayments, administrative appeal process, and sanctions;

3. 907 KAR 1:672, Provider enrollment, disclosure, and documentation for Medicaid participation;

4. 907 KAR 1:673, Claims processing;

5. The Department for Medicaid Services Home and Community Based Waiver Services Manual; and

6. The Department for Medicaid Services Adult Day Health Care Services Manual;

(b) Not enroll an HCB recipient for whom the provider cannot provide HCB waiver services;

(c) Be permitted to accept or not accept an HCB recipient;

(d) Implement a procedure to ensure that the following is reported:

1. Abuse, neglect, or exploitation of an HCB recipient in accordance with KRS Chapters 209 or 620;

2. A slip or fall,

3. A transportation incident;

4. Improper administration of medication;

5. A medical complication; or

6. An incident caused by the recipient, including:

a. Verbal or physical abuse of staff or other recipients;

b. Destruction or damage of property; or

c. Recipient self-abuse;

(e) Ensure a copy of each incident reported in accordance with paragraph (d) of this subsection is maintained in a central file subject to review by the department;

(f) Implement a process for communicating the incident, the outcome, and the prevention plan to:

1. An HCB recipient, family member, or his responsible party; and

2. The attending physician, PA, or ARNP;

(g) Maintain documentation of any communication provided in accordance with subsection (f) of this section. The documentation shall be:

1. Recorded in the HCB recipient's case record; and

2. Signed and dated by the staff member making the entry;

(h) Implement a procedure that ensures the reporting of a recipient or any interested party's [a] complaint against the provider or its personnel;

(i) Ensure that a copy of each complaint reported is maintained in a central file subject to review by the department;

(j) Implement a process for communicating a complaint, the resulting outcome, and related prevention plan to:

1. The HCB recipient, family member, or the HCB recipient's responsible party; and

2. The attending physician, PA, or ARNP if appropriate;

(k) Maintain documentation of any communication provided in accordance with subsection (j) of this section. The documentation shall be:

1. Recorded in the HCB recipient's case record; and

2. Signed and dated by the staff member making the entry;

(l) [~~to the department;~~

~~(i)~~] Inform a recipient or any interested party in writing of the provider's:

1. Hours of operation; and

2. Policies and procedures;

(m)[~~(j)~~] Not permit a staff member who has contracted a communicable disease to provide a service to an HCB recipient until the condition is determined to no longer be contagious; and

(n)[~~(k)~~] Ensure that a staff member who provides direct services:

1. Demonstrates the ability to:

a. Read;

b. Write;

c. Understand and carry out instructions;

d. Keep simple records; and

e. Interact with an HCB recipient when providing an HCB waiver service;

2. Be trained by an HCB waiver provider;

3. Be supervised by an RN at least every other month.

Section 3. Maintenance of Records. (1) An HCB waiver provider shall maintain:

(a) A clinical record for each HCB recipient. The clinical record shall contain the following:

1. Pertinent medical, nursing, and social history;

2. A comprehensive assessment entered on form MAP-351 and signed by the:

a. Assessment team; and

b. Department;

3. A completed MAP 109-HCBW;

4. A copy of the MAP-350 signed by the recipient or his legal representative at the time of application or reapplication and each recertification thereafter;

5. The name of the case manager;

6. Documentation of all level of care determinations;

7. All documentation related to prior authorizations, including requests, approvals, and denials;

8. Documentation of each contact with, or on behalf of, an HCB recipient;

9 [~~7~~] Documentation that the HCB recipient receiving ADHC services was provided a copy of the ADHC center's posted hours of operation; and

10. Documentation that the recipient or legal representative was informed of the procedure for reporting complaints; and

11 [~~8~~] Documentation of each service provided that shall include:

a. The date the service was provided;

b. The duration of the service;

c. The arrival and departure time of the provider, excluding travel time, if the service was provided at the HCB recipient's home;

d. Itemization of each personal care or homemaking service delivered,

e. The HCB recipient's arrival and departure time, excluding travel time, if the service was provided at the ADHC center;

f. Progress notes which shall include documentation of changes, responses and treatments utilized to evaluate the HCB recipient's needs; and

g The signature of the service provider; and

(b) Fiscal reports, service records, and incident reports regarding services provided. These reports shall be retained:

1. At least six (6) years from the date that a covered service is provided; or

2. For a minor three (3) years after the recipient reaches the age of majority under state law, whichever is longest.

(2) Upon request, an HCB provider shall make information regarding service and financial records available to the:

(a) Department;

(b) Cabinet for Health and Family Services, Office of Inspector General or its designee;

(c) Department for Health and Human Services or its designee;

(d) General Accounting Office or its designee;

(e) Office of the Auditor of Public Accounts or its designee; or

(f) Office of the Attorney General or its designee.

Section 4. HCB Recipient Eligibility Determinations and Redeterminations. (1) An HCB waiver service shall be provided to a Medicaid eligible HCB recipient who:

(a) Is determined by the department to meet NF level of care requirements; and

(b) Would, without waiver services, be admitted by a physician's order to an NF.

(2) The department shall perform an NF level of care determination for each HCB recipient at least once every twelve (12) months or more often if necessary.

(3) An HCB waiver service shall not be provided to an individual who:

(a) Does not require a service other than:

1. A minor home adaptation;

2. Case management; or

3. A minor home adaptation and case management;

(b) Is an inpatient of:

1. A hospital,

2. An NF; or

3. An intermediate care facility for an individual with mental retardation or a developmental disability;

(c) Is a resident of a licensed personal care home; or

(d) Is receiving services from another Medicaid home and community based services waiver program.

(4) An HCB waiver provider shall:

(a) Inform an HCB recipient or his legal representative of the choice to receive:

1. HCB waiver services; or

2. Institutional services; and

(b) Require an HCB recipient to sign a MAP-350 form at the time of application or reapplication and at each recertification to document that the individual was informed of the choice to receive HCB waiver or institutional services.

(5) An eligible HCB recipient or the recipient's legal representative shall select a participating HCB waiver provider from which the recipient wishes to receive HCB waiver services.

(6) The department may exclude from the HCB waiver program an individual for whom the aggregate cost of HCB waiver services would reasonably be expected to exceed the cost of NF services.

(7) An HCB waiver provider shall use a MAP-24 to notify the local DCBS office and the department of an HCB recipient's:

(a) Termination from the HCB waiver program; or

(b)1. Admission to an NF for less than sixty (60) consecutive days; and

2. Return to the HCB waiver program from an NF within sixty (60) consecutive days.

Section 5. Covered Services. (1) An HCB waiver service shall.

(a) Be prior authorized by the department to ensure that the service or modification of the service already meets the needs of the HCB recipient;

(b) Be provided pursuant to a plan of care or, for a CDO service, pursuant to a plan of care and support spending plan;

(c) Except for a CDO service, not be provided by a member of the HCB recipient's family A CDO service may be provided by an HCB recipient's family member; and

(d) Shall be accessed within sixty (60) days of the date of prior authorization.

(2) To request prior authorization, a provider shall submit a completed MAP 10, MAP 109, and MAP 351 to the department.

(3) Covered HCB services shall include:

(a) A comprehensive assessment which shall.

1. Identify an HCB recipient's needs and the services that the HCB recipient or the recipient's family cannot manage or arrange for on the recipient's behalf,

2. Evaluate an HCB recipient's physical health, mental health, social supports, and environment;

3 Be requested by an individual seeking HCB waiver services or the individual's family, legal representative, physician, physician assistant, or ARNP,

4. Be conducted by an assessment team within seven (7) calendar days of receipt of the request for assessment; and

5. Include at least one (1) face-to-face home visit by a member of the assessment team with the HCB recipient and, if appropriate, the recipient's family;

(b) A reassessment service which shall.

1. Determine the continuing need for HCB waiver services and, if appropriate, CDO services;

2. Be performed at least every twelve (12) months;

3. Be conducted using the same procedures used in an assessment service;

4. Not be retroactive; and

5 Be initiated by an HCB waiver provider or support broker who shall:

a. Notify the department no more than three (3) weeks prior to the expiration of the current level of care certification to ensure that certification is consecutive; and

b. Not be reimbursed for a service provided during a period that an HCB recipient is not covered by a valid level of care certification,

(c) A case management service which shall:

1. Consist of coordinating the delivery of direct and indirect services to an HCB recipient;

2. Be provided by a case manager who shall:

a. Be an RN, LPN, social worker, certified psychologist with autonomous functioning, licensed psychological practitioner, LMFT, or an LPCC;

b. Arrange for a service but not provide a service directly;

c. Contact the HCB recipient monthly by telephone or through a face-to-face visit at the HCB recipient's residence or in the ADHC center, with a minimum of one (1) face-to-face visit between the case manager and the recipient every other month; and

d. Assure that service delivery is in accordance with an HCB recipient's plan of care;

3. Not include a group conference; and

4. Include development of a plan of care that shall.

a. Be completed on the MAP 109;

b. Reflect the needs of the HCB recipient;

c. List goals, interventions, and outcomes;

d. Specify services needed;

e Determine the amount, frequency, and duration of services;

f. Provide for reassessment at least every twelve (12) months;

g. Be developed and signed by the assessment team, case manager, and HCB recipient or his family; and

h. Be submitted to the department no later than thirty (30) calendar days after receiving the department's verbal approval of NF level of care,

(d) A homemaker service which shall consist of general household activities and shall be provided:

1. By staff pursuant to Section 2(3)(m) and (n)[~~(j) and (k)~~] of this administrative regulation; and

2. To an HCB recipient:

a. Who is functionally unable, but would normally perform age-appropriate homemaker tasks; and

b. If the caregiver regularly responsible for homemaker activities is temporarily absent or functionally unable to manage the homemaking activities;

(e) A personal care service which shall consist of age-appropriate medically-oriented services and be provided.

1. By staff pursuant to Section 2(3)(m) and (n)[~~(j) and (k)~~] of this administrative regulation; and

2. To an HCB recipient:

a. Who does not need highly skilled or technical care;

b. For whom services are essential to the recipient's health and welfare and not for the recipient's family; and

c. Who needs assistance with age-appropriate activities of daily living;

(f) An attendant care service which shall consist of hands-on care that is:

1. provided by staff pursuant to Section 2(3)(m) and (n)[~~(j) and (k)~~] of this administrative regulation to an HCB recipient who.

a. Is medically stable but functionally dependent and requires care or supervision twenty-four (24) hours per day; and

b. Has a family member or other primary caretaker who is employed and not able to provide care during working hours;

[~~c. Prior to being eligible for the HCB Waiver Program in accordance with Section 4 of this administrative regulation, was able to care for him or herself;~~]

2. Not of a general housekeeping nature; and

3. Not provided to an HCB recipient who is receiving any of the following HCB waiver services:

a. Personal care;

b. Homemaker; or

c. ADHC;

(g) A respite care service which shall be short term care based on the absence or need for relief of the primary caretaker and be:

1. Provided by staff pursuant to Section 2(3)(m) and (n)[~~(j) and (k)~~] of this administrative regulation who provide services at a level that appropriately and safely meets the medical needs of the HCB recipient in the following settings:

a. An HCB recipient's place of residence; or

b. An ADHC center during posted hours of operation;

2. Provided to an HCB recipient who has care needs beyond normal baby sitting; and

3. Used no less than every six (6) months;

4. Provided in accordance with 902 KAR 20:066, Operation and services; adult day health care programs, Section 2(1)(b)10a through c, if provided to a child under age twenty-one (21) in an ADHC center;

(h) A minor home adaptation service which shall be a physical adaptation to a home that is necessary to ensure the health, welfare, and safety of an HCB recipient and which shall:

1. Meet all applicable safety and local building codes,

2. Relate strictly to the HCB recipient's disability and needs;

3. Exclude an adaptation or improvement to a home that has no direct medical or remedial benefit to the HCB recipient; and

4. Be submitted on form MAP-95 for prior authorization; or

(i) An ADHC service which shall:

1. Except for an HCB recipient approved for an ADHC service prior to May 1, 2003, be provided to an HCB recipient who is at least twenty-one (21) years of age,

2. Include the following basic services and necessities provided to Medicaid waiver recipients during the posted hours of operation:

a. Skilled nursing services provided by an RN or LPN, including ostomy care, urinary catheter care, decubitus care, tube feeding, venipuncture, insulin injections, tracheotomy care, or medical monitoring;

b. Meal service corresponding with hours of operation with a minimum of one (1) meal per day and therapeutic diets as required;

c. Snacks;

d. Supervision by an RN,

e. Age and diagnosis appropriate daily activities; and

f. Routine services that meet the daily personal and health care needs of an HCB recipient, including:

(i) Monitoring of vital signs;

(ii) Assistance with activities of daily living; and

(iii) Monitoring and supervision of self-administered medications, therapeutic programs, and incidental supplies and equipment needed for use by an HCB recipient;

3. Include developing, implementing, and maintaining nursing policies for nursing or medical procedures performed in the ADHC center.

4. Include ancillary services in accordance with 907 KAR 1:023, Review and approval of selected therapies as ancillary services in nursing facilities, if ordered by a physician, PA, or ARNP in an HCB recipient's ADHC plan of treatment Ancillary services shall:

a. Consist of evaluations or reevaluations for the purpose of developing a plan which shall be carried out by the HCB recipient or ADHC center staff;

b. Be reasonable and necessary for the HCB recipient's condition;

c. Be rehabilitative in nature;

d. Include physical therapy provided by a physical therapist or physical therapist assistant, occupational therapy provided by an occupational therapist or occupational therapist assistant, or speech therapy provided by a speech-language pathologist, and

e Comply with the physical, occupational, and speech therapy requirements established in Technical Criteria for Reviewing Ancillary Services for Adults;

4. Include respite care services pursuant to paragraph (g) of this subsection;

5. Be provided to an HCB recipient by the health team in an ADHC center which may include:

a. A physician;

b. A physician assistant,

c. An ARNP;

d. An RN,

e. An LPN;

f. An activities director;

g. A physical therapist;

h. A physical therapist assistant;

i. An occupational therapist,

j. An occupational therapist assistant;

k.. A speech pathologist,

l. A social worker;

m. A nutritionist;

n. A health aide;

o. An LPCC;

p. An LMFT;

q. A certified psychologist with autonomous functioning; or

r. A licensed psychological practitioner; and

7.[~~6.~~] Be provided pursuant to a plan of treatment. The plan of treatment shall:

(i) Be developed and signed by each member of the plan of treatment team which shall include the recipient or a legal representative of the recipient;

(ii) Include pertinent diagnoses, mental status, services required, frequency of visits to the ADHC center, prognosis, rehabilitation potential, functional limitation, activities permitted, nutritional requirements, medication, treatment, safety measures to protect against injury, instructions for timely discharge, and other pertinent information; and

(iii) Be developed annually from information on the MAP 351 [~~reviewed annually~~] and revised as needed[~~; and~~

~~b. The plan of treatment team shall:~~

~~(i) Include the recipient or a legal representative of the recipient, and~~

~~(ii) Submit a current copy of the plan of treatment to the department annually or following any revision~~].

(4) Modification of an ancillary therapy service or an ADHC unit of service shall require prior authorization as follows:

(a) Prior authorization shall

1. Be requested by an RN or designated ADHC center staff; and

2. Require submission of a revised MAP 109 and an order signed by a physician, physician assistant, or ARNP;

(b) An RN or designated ADHC center staff shall forward a copy of the documents required in paragraph (a) of this subsection to the HCB case manager or the consumer's support broker for inclusion in the HCB recipient's case records within ten (10) working days of the prior authorization request; and

(c) Upon approval or denial of a prior authorization request, the department shall provide written notification to the HCB agency, the ADHC center, and the HCB recipient.

Section 6. Consumer Directed Option. (1) Covered services and supports provided to an HCB recipient participating in CDO shall include:

(a) A home and community support service which shall.

1. Be available only under the consumer directed option;

2. Be provided in the consumer's home or in the community;

3 Be based upon therapeutic goals and not diversional in nature; and

4. Not be provided to an individual if the same or similar service is being provided to the individual via non-CDO HCB services; or

(b) Goods and services which shall:

1. Be individualized;

2. Be utilized to reduce the need for personal care or to enhance independence within the home or community of the recipient.

3. Not include experimental goods or services; and

4. Not include chemical or physical restraints.

(2) To be covered, a CDO service shall be specified in the plan of care.

(3) Reimbursement for a CDO service shall not exceed the department's allowed reimbursement for the same or similar service provided in a non-CDO HCB setting

(4) A consumer, including a married consumer, shall choose providers and a consumer's choice shall be reflected or documented in the plan of care

(5) A consumer may designate a representative to act on the consumer's behalf. The CDO representative shall:

(a) Be twenty-one (21) years of age or older;

(b) Not be monetarily compensated for acting as the CDO representative or providing a CDO service; and

(c) Be appointed by the consumer on a MAP 2000 form.

(6) A consumer may voluntarily terminate CDO services by completing a MAP 2000 and submitting it to the support broker.

(7) The department shall immediately terminate a consumer from CDO services if.

(a) Imminent danger to the consumer's health, safety, or welfare exists; [or]

(b) The consumer fails to pay patient liability;

(c) The recipient's plan of care indicates he or she requires more hours of service than the program can provide; thus, leopardizing the recipient's safety and welfare due to being left alone without a caregiver present; or

(d) the recipient, caregiver, family or guardian threaten or intimidate a support broker or other CDO staff.

(8) The department may terminate a consumer from CDO services if it determines that the consumer's CDO provider has not adhered to the plan of care.

(9) Prior to a consumer's termination from CDO services, the support broker shall:

(a) Notify the assessment or reassessment service provider of potential termination,

(b) Assist the consumer in developing a resolution and prevention plan;

(c) Allow at least thirty (30) but no more than ninety (90) days for the consumer to resolve the issue, develop and implement a prevention plan or designate a CDO representative;

(d) Complete, and submit to the department, a MAP 2000 terminating the consumer from CDO services if the consumer fails to meet the requirements in paragraph (c) of this subsection; and

(e) Assist the consumer in transitioning back to traditional HCB services.

(10) Upon an involuntary termination of CDO services, the department shall:

(a) Notify a consumer in writing of its decision to terminate the consumer's CDO participation; and

(b) Except in a case where a consumer failed to pay patient liability, inform the consumer of the right to appeal the department's decision in accordance with Section 8 of this administrative regulation.

(11) A CDO provider shall:

(a) Be selected by the consumer;

(b) Submit a completed Kentucky Consumer Directed Option Employee Provider Contract to the support broker,

(c) Be eighteen (18) years of age or older;

(d) Be a citizen of the United States with a valid Social Security number or possess a valid work permit if not a U.S. citizen;

(e) Be able to communicate effectively with the consumer, consumer representative or family;

(f) Be able to understand and carry out instructions;

(g) Be able to keep records as required by the consumer;

(h) Submit to a criminal background check;

(i) Submit to a check of the nurse aide abuse registry maintained in accordance with 906 KAR 1:100, Nurse aid abuse registry, home health aide abuse registry, and hearing procedures, and not be found on the registry;

(j) Not have pled guilty or been convicted of committing a sex crime or violent crime as defined in KRS 17.165(1) through (3);

(k) Complete training on the reporting of abuse, neglect or exploitation in accordance with KRS 209.030 or 620.030 and on the needs of the consumer;

(l) Be approved by the department;

(m) Maintain and submit timesheets documenting hours worked; and

(n) Be a friend, spouse, parent, family member, other relative, employee of a provider agency or other person hired by the consumer.

(12) A parent, parents combined or a spouse shall not provide more than forty (40) hours of services in a calendar week (Sunday through Saturday) regardless of the number of children who receive waiver services.

(13)(a) The department shall establish a budget for a consumer based on the individual's historical costs minus five (5) percent to cover costs associated with administering the consumer directed option. If no historical cost exists for the consumer, the consumer's budget shall equal the average per capita, **per service** historical costs of HCB recipients minus five (5) percent.

(b) Cost of services authorized by the department for the individual's prior year plan of care but not utilized may be added to the budget if necessary to meet the individual's needs.

(c) The department shall adjust a consumer's budget based on the consumer's needs and in accordance with paragraphs (d) and (e) of this subsection.

(d) A consumer's budget shall not be adjusted to a level higher than established in paragraph (a) of this subsection unless:

1. The consumer's support broker requests an adjustment to a level higher than established in paragraph (a) of this subsection, and

2. The department approves the adjustment.

(e) The department shall consider the following factors in determining whether to allow for a budget adjustment:

1. If the proposed services are necessary to prevent imminent institutionalization;

2. The cost effectiveness of the proposed services; [and]

3. Protection of the consumer's health, safety and welfare; **and**

4. A significant change has occurred in the recipient's:

a. Physical condition resulting in additional loss of function or limitations to activities of daily living and instrumental activities of daily living;

b. Natural support system; or

c. Environmental living arrangement resulting in the recipient's relocation.

(f) A consumer's budget shall not exceed the average per capital cost of services provided to individuals in a NF.

(14) Unless approved by the department pursuant to subsection (13)(b) through (e) of this section, if a CDO service is expanded to a point in which expansion necessitates a budget allowance increase, the entire service shall only be covered via a traditional (non-CDO) waiver service provider.

(15) A support broker shall:

(a) Provide any needed assistance to a consumer with any aspect of CDO or blended services;

(b) Be available to a consumer twenty-four (24) hours per day, seven (7) days per week;

(c) Comply with all applicable federal and state laws and requirements;

(d) Continually monitor a consumer's health, safety and welfare, and

(e) Complete or revise a plan of care using person-centered planning principles.

(16)(a) For a CDO participant, a support broker may conduct an assessment or reassessment; and

(b) A CDO assessment or reassessment performed by a support broker shall comply with the assessment or reassessment provisions established in Section 5(2) of this administrative regulation.

Section 7. Use of Electronic Signatures. (1) The creation, transmission, storage, and other use of electronic signatures and documents shall comply with the requirements established in KRS 369.101 to 369 120.

(2) A home health provider that chooses to use electronic signatures shall:

(a) Develop and implement a written security policy that shall:

1. Be adhered to by each of the provider's employees, officers, agents, and contractors;

2. Identify each electronic signature for which an individual has access; and

3. Ensure that each electronic signature is created, transmitted, and stored in a secure fashion;

(b) Develop a consent form that shall:

1. Be completed and executed by each individual using an electronic signature;

2. Attest to the signature's authenticity; and

3. Include a statement indicating that the individual has been notified of his responsibility in allowing the use of the electronic signature; and

(c) Provide the department with:

1. A copy of the provider's electronic signature policy;

2. The signed consent form; and

3. The original filed signature immediately upon request.

Section 8. Appeal Rights. An appeal of a department determination regarding NF level of care or services to an HCB recipient or a consumer shall be in accordance with 907 KAR 1:563.

Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Department for Medicaid Services Adult Day Health Care Services Manual", May 2005 edition;

(b) "Department for Medicaid Services Home and Community Based Waiver Services Manual", September 2006 edition;

(c) "Person Centered Planning: Guiding Principles", March 2005 edition;

(d) "Technical Criteria for Reviewing Ancillary Services for Adults", November 2003 edition;

(e) "MAP-24, The Commonwealth of Kentucky, Cabinet for Health and Family Services, Department for Community Based Services Memorandum", February 2001 edition;

(f) "MAP-95 Request for Equipment Form" June 2007[~~September 2002~~] edition;

(g) "MAP 109, Plan of Care/Prior Authorization for HCB Waiver Services", March 2007 edition;

(h) "MAP-350, Long Term Care Facilities and Home and Community Based Program Certification Form", January 2000 edition; and

(i) "MAP-351, The Department for Medicaid Services, Medicaid Waiver Assessment", March 2007 edition:

(j) "MAP 2000, Initiation/Termination of Consumer Directed Option (CDO)", March 2007, edition; and

(k) "MAP-10, Waiver Services", March 2007 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4.30 p.m.

ELIZABETH A JOHNSON, Commissioner
JANIE MILLER, Secretary

APPROVED BY AGENCY: March 13, 2008
FILED WITH LRC: March 13, 2008 at 4 p.m.
CONTACT PERSON: Jill Brown, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the Counsel, 275 East Main Street - 5W-B, Frankfort, Kentucky 40621, phone (502) 564-7905, fax (502) 564-7573.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kristina Hayden

(1) Provide a brief summary of.

(a) What this administrative regulation does: This administrative regulation establishes the provisions for home and community based waiver services.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the provisions for the home and community based waiver services.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the provisions for the home and community based waiver services.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing the provisions for the home and community based waiver services.

(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: This amendment adds goods and services to the consumer directed option; clarifies various policies such as documentation requirements, respite hours, respite for children, and alters consumer directed option (CDO) budget caps consistent with the other two (2) programs offering CDO. The amendment after comments inserts additional safeguards for consumers, inserts additional circumstances under which a CDO budget may be adjusted, and clarifies CDO budget policy.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to add goods and services to the consumer-directed option established by KRS 205.5606, to clarify various policies and to cap CDO budgets consistent with the caps in other programs offering CDO. The CDO expansion is necessary to provide more options for consumers consistent with KRS 205.5606. The amendment after comments is necessary to protect consumers, clarify CDO budget policy and offer additional circumstances under which a CDO budget may be adjusted to insert more flexibility into CDO budget adjustment.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 205 2605 and 205.5606 by adding goods and services to the consumer-directed option. The amendment after comments conforms to the authorizing statutes by protecting consumers, clarifying CDO budget policy and offering additional circumstances under which a CDO budget may be adjusted to insert more flexibility into CDO budget adjustment.

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists in the effective administration of the statutes by adding goods and services to the consumer-directed option accordance with KRS 205.5605 and 5606. The amendment after comments will assist in the effective administration of the authorizing statutes by protecting consumers, clarifying CDO budget policy and offering additional circumstances under which a CDO budget may be adjusted to insert more flexibility into CDO budget adjustment

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: This administrative regulation will affect Medicaid's home and community based waiver recipients Currently, there are approximately 13,000 members enrolled in the home and community based waiver program.

(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: Providers will have to develop and maintain complaint reporting and documentation processes and will have to document level of care determinations and prior authorizations in an individual's record as a result of the initial amendment. The amendment after comments necessitates no additional action be taken by the regulated entities.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3). The initial amendment and amendment after comments are not expected to impose any cost on the regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3). The amendments are expected to generate enhanced health care outcomes as well as options for recipients The amendment after comments implements additional safeguards for CDO service recipients as well as offers additional circumstances under which a CDO budget may be adjusted.

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

(a) Initially: The Department for Medicaid Services (DMS) anticipates additional costs as the consumer directed option is expanding to include goods and services; however, the specific amount of costs is indeterminable at this time. DMS does not anticipate costs exceeding funds available within the current budget. DMS anticipates no additional costs as a result of the amendment after comments.

(b) On a continuing basis: DMS anticipates additional costs as the consumer directed option is expanding to goods and services; however, the specific amount of costs is indeterminable at this time. DMS does not anticipate costs exceeding funds available within the current budget. DMS anticipates no additional costs as a result of the amendment after comments.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The sources of revenue to be used for implementation and enforcement of this administrative regulation are federal funds authorized under the Social Security Act, Title XIX and matching funds of general fund appropriations.

(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: Neither an increase in fees nor funding will be necessary to implement the initial amendment or the amendment after comments.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Neither the initial amendment nor the amendment after comments establish or increase any fees.

(9) Tiering: Is tiering applied? Tiering was not appropriate in the initial amendment or the amendment after comments as the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The provider network includes local health department(s) and quasi-governmental entities such as Area Agencies on Aging.

3 Identify each state or federal regulation that requires or authorizes the action taken by the administrative regulation. The initial amendment and amendment after comments are authorized by KRS 205.5605 and 205 5606.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Neither the initial amendment nor the amendment after comments will generate revenue for state or local government during the first year of program administration.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Neither the initial amendment nor the amendment after comments will generate revenue for state or local government during subsequent years of program administration administration.

(c) How much will it cost to administer this program for the first year? The Department for Medicaid Services (DMS) anticipates additional costs as the consumer directed option is expanding to include goods and services; however, the specific amount of costs is indeterminable at this time. DMS does not anticipate costs exceeding funds available within the current budget. DMS does not anticipate that the amendment after comments will impose additional costs upon DMS.

(d) How much will it cost to administer this program for subsequent years? DMS anticipates additional costs as the consumer directed option is expanding to include goods and services; however, the specific amount of costs is indeterminable at this time. DMS does not anticipate costs exceeding funds available within the current budget. DMS does not anticipate that the amendment after comments will impose additional costs upon DMS.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: No additional expenditures are necessary to implement this amendment.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student and Administrative Services
(Amendment)

11 KAR 4:080. Student aid applications.

RELATES TO: KRS 164.518, 164.744(2), 164.748(4), (7), (8), 164.753(3), (4), (6), 164.7535, 164.769, 164.780, 164.785, 34 C.F.R. 654.1-654.5, 654.30-654.52, 20 U.S.C. 1070d-31-1070d-41

STATUTORY AUTHORITY: KRS 164.518(3), 164.746(6), 164.748(4), 164.753(3), (6), 164.7535, 164.769(5),(6)(f), 34 C.F.R. 654.30, 654.41, 20 U.S.C. 1070d-37, 1070d-38

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.748(4) authorizes the authority to promulgate administrative regulations pertaining to the awarding of grants, scholarships, and honorary scholarships as provided in KRS 164.740 to 164.7891. This administrative regulation designates and incorporates the applications to be utilized under the grant, scholarship, and work-study programs administered by KHEAA.

Section 1. Applications. In order to participate in a specified grant, scholarship, or work-study program administered by the Kentucky Higher Education Assistance Authority, the following application forms shall be completed in accordance with their instructions:

(1) For the KHEAA Grant Program as set forth in 11 KAR 5:130, the 2008-2009[~~2007-2008~~] Free Application for Federal Student Aid (FAFSA);

(2) For the KHEAA Work-Study Program as set forth in 11 KAR 6:010, the KHEAA Work-Study Program Student Application,

(3) For the Teacher Scholarship Program as set forth in 11 KAR 8.030, the Teacher Scholarship Application;

(4) For the Early Childhood Development Scholarship Program as set forth in 11 KAR 16.010:

(a) The 2008-2009[~~2007-2008~~] Free Application for Federal Student Aid (FAFSA); and

(b) The Early Childhood Development Scholarship Application; and

(5) For the Robert C. Byrd Honors Scholarship Program as set forth in 11 KAR 18.010:

(a) For high school students, the Robert C. Byrd Honors Scholarship Program Application; and

(b) For GED recipients, the Robert C. Byrd Honors Scholarship Program Application for GED Recipients.

Section 2. Incorporation by Reference (1) The following material is incorporated by reference:

(a) The "2008-2009[~~2007-2008~~] Free Application for Federal Student Aid (FAFSA)", January 2008[~~July 2007~~];

(b) The "KHEAA Work-Study Program Student Application", July 2001;

(c) The "Teacher Scholarship Application", June 2006;

(d) The "Early Childhood Development Scholarship Application", April, 2006;

(e) The "Robert C. Byrd Honors Scholarship Program Application", June, 2006; and

(f) The "Robert C. Byrd Honors Scholarship Program Application for GED Recipients", June 2006.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Higher Education Assistance Authority, 100 Airport Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., or on the authority's Web site, www.KHEAA.com

DR. SARAH LAWS, Chair

APPROVED BY AGENCY: February 21, 2008

FILED WITH LRC: March 12, 2008 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, April 21, 2008, at 10 a.m. at 100 Airport Road, Frankfort, Kentucky 40601. 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 is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 the proposed administrative regulation. Written comments shall be accepted until Wednesday, April 30, 2008. 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: Ms. Diana L. Barber, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7298, fax (502) 696-7293.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jo Carole Ellis, Director of Student Financial Aid

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation designates and incorporates the applications to be utilized under the grant, scholarship and work-study programs administered by the Authority.

(b) The necessity of this administrative regulation: KHEAA is required to promulgate administrative regulations pertaining to the administration of the Early Childhood Development Scholarship Program, KHEAA Work-Study Program, Teachers Scholarship Program, College Access Program(CAP) and Kentucky Tuition Grant (KTG) Programs as well as the Robert C. Byrd Honors Scholarship Program pursuant to KRS 164.518(3),164.746(6), 164.748(4), 164.753(3), (6), 164.7535, 164.769(5),(6)(f), 34 C.F.R. 654.30, 654.41, and 20 U.S.C. 1070d-36, 1070d-37, 1070d-38.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by prescribing the applications to be utilized under the grant, scholarship and work-study programs administered by the Authority.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation prescribes and incorporates the various application forms to be used by students to apply for the financial aid programs administered by the Authority.

(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 amendment changes the existing regulation by specifying the latest version of the Free Application for Federal Student Aid (FAFSA), for the 2007-2008 academic year, that is to be completed by applicants for participation in the student aid programs administered by the Authority

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary in order to require student aid applicants to complete the most recent version of the FAFSA.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by updating one of the applications required for participation in the student aid programs administered by the Authority.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist in the effective administration of the state student aid programs by requiring completion of the most recent version of the FAFSA.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The proposed amendment to this regulation will affect all those individuals who seek to apply for student financial aid through the Authority.

(4) Provide an analysis of how the entities identified in (3)

above 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 in order to comply with this administrative regulation or amendment: Each potential student aid recipient will be required to complete the 2008-2009 version of the FAFSA in order to apply for financial aid through the Authority.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to the entities noted above.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Those individuals who complete the latest version of the FAFSA specified herein will receive, to the extent they are otherwise eligible, student financial aid through the Authority

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

(a) Initially: There is no cost to implement this administrative regulation.

(b) On a continuing basis: Same as 5(a) above.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding source is required in order to implement this administrative regulation since it merely updates the required version of the FAFSA.

(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. The administrative regulation does not establish any fees, nor does this administrative regulation directly or indirectly increase any fees.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees nor does it directly or indirectly increase any fees.

(9) TIERING Is tiering applied? Tiering was not applied. It is not applicable to this amendment. This administrative regulation is intended to provide equal opportunity to participate, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution. The regulation provides equal treatment and opportunity for all applicants and recipients.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2 What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will impact the Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 164.518(3), 164.746(6), 164.748(4), 164.753(3), (6), 164.7535, 164.769(5), (6)(f), 34 C.F.R 654.30, 654.41, 20 U S.C. 1070d-37, 38.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The administrative regulation will result in no additional expenditures by or revenues to the Authority during the first full year of its effectiveness.

a. How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation will not generate any revenue.

b. How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation will not generate any revenue.

c. How much will it cost to administer this program for the first year? No costs are associated with this regulation.

d. How much will it cost to administer this program for subsequent years? No costs are associated with this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation:

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student and Administrative Services
(Amendment)

11 KAR 5:145. CAP grant award determination procedure.

RELATES TO: KRS 164.744(2), 164.753(4), 164.7535, 164.7889(3)

STATUTORY AUTHORITY: KRS 164.748(4), 164.753(4), 164 7889(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.748(4) requires the authority to promulgate administrative regulations pertaining to the awarding of grants, scholarships, and honorary scholarships as provided in KRS 164.740 to 164.7891. and 164.753(4) requires the authority to promulgate administrative regulations pertaining to grants. KRS 164.7889(3) requires the authority to promulgate an administrative regulation that increases both the maximum amount available under the grant programs, and increases the average income level for qualification for the grant programs if sufficient funds are available. This administrative regulation prescribes the award determination procedures for the CAP Grant Program.

Section 1. Each application submitted pursuant to 11 KAR 4 080 and 11 KAR 5:130 shall be reviewed for determination that all eligibility requirements established in 11 KAR 5 034 are met. To qualify for a CAP award based on financial need, the applicant's expected family contribution shall be $4,041[~~$4,110~~] or less.

Section 2. CAP Grant Award. (1) Except as provided in subsection (2) of this section, the maximum CAP grant in any semester for an applicant accepted for enrollment on a full-time basis as determined by the educational institution in an eligible program shall be the lesser of:

(a) $950; or

(b) The amount of eligibility the student has remaining within the aggregate KHEAA grant limit.

(2) The maximum CAP grant in any semester for an applicant accepted for enrollment on less than a full-time basis as determined by the educational institution in an eligible program shall be:

(a) The amount specified in subsection (1)(a) of this section:

1. Divided by twelve (12); and

2. Multiplied by the number of credit hours in which the applicant is accepted for enrollment; and

(b) Not in excess of the maximum specified in subsection (1)(b) of this section.

(3) For any academic year, a student shall not receive more than $1,900 for an aggregate CAP grant award.

Section 3. (1) A KHEAA grant awarded to an incarcerated individual shall be considered an overaward to the extent that the KHEAA grant, in combination with financial assistance received from other sources, exceeds the student's actual cost for tuition, fees, and books.

(2) A KHEAA grant award shall not be made for a summer academic term.

Section 4. (1) A KHEAA grant award shall not exceed the applicant's cost of education less expected family contribution and other anticipated student financial assistance

(2) The authority shall reduce or revoke a KHEAA grant upon receipt of documentation that financial assistance from other sources in combination with the KHEAA grant exceeds the determination of financial need for that student.

(3) The KHEAA Grant Program Officer (KGPO) and the grant recipient shall make every reasonable effort to provide the authority the information needed to prevent an overaward.

(4) If the applicant's expected family contribution, disbursed KHEAA grant amount, plus other student financial assistance exceeds his need by more than $300, any amount over $300 shall be considered to be an overaward. If an overaward occurs, this amount shall be returned to the authority immediately.

Section 5. (1) If the authority receives revised data that, upon recomputation, results in the student becoming ineligible for a KHEAA grant that has already been offered, but not disbursed, the grant shall be revoked.

(2) If the student is determined to be ineligible after the KHEAA grant has been disbursed, the student shall repay to the authority the entire amount of the KHEAA grant.

Section 6. If the educational institution receives revised data that, upon recomputation, necessitates reduction of the KHEAA grant, and:

(1) If the grant has not yet been disbursed for the fall academic term, the reduction shall be made to both the fall and spring disbursements, and the educational institution shall notify the student of the reduction;

(2) If the grant for the fall academic term has already been disbursed and the student enrolls for the spring academic term, the reduction shall be made to the spring disbursement, and the educational institution shall notify the student of the reduction;

(3) If the grant for the fall academic term has already been disbursed and the student does not enroll for the spring academic term, the educational institution shall notify the student of the fall overaward and the student shall repay the overaward to the authority; or

(4) If both the fall and spring disbursements have been made, the educational institution shall notify the student of the overaward and the student shall repay the overaward to the authority.

Section 7. (1) Students requested by the institution to provide verification of data for any financial assistance program shall provide the verification before receiving disbursement of a KHEAA grant.

(2) Any student who is awarded a KHEAA grant who fails to provide verification requested by the participating institution shall be deemed ineligible, and the grant shall be revoked.

DR. SARAH LAWS, Chair

APPROVED BY AGENCY: February 21, 2008

FILED WITH LRC: March 12, 2008 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, April 21, 2008, at 10 a.m. at 100 Airport Road, Frankfort, Kentucky 40601. 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 is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard 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 the proposed administrative regulation. Written comments shall be accepted until Wednesday, April 30, 2008. 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. Ms. Diana L. Barber, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7298, fax (502) 696-7293.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jo Carole Ellis, Director of Student Financial Aid

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation prescribes the award determination procedures for the CAP Grant Program.

(b) The necessity of this administrative regulation: KRS 164.748(4) requires the authority to promulgate administrative regulations pertaining to the awarding of grants, scholarships, and honorary scholarships as provided in KRS 164.740 to 164.785. KRS 164.753(4) requires the authority to promulgate administrative regulations pertaining to grants. KRS 164.7889(3) requires the authority to promulgate an administrative regulation that increases both the maximum amount available under the grant programs, and increases the average income level for qualification for the grant programs if sufficient funds are available.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation prescribes the award determination procedures for the CAP Grant Program. The amendment conforms to the content of the authorizing statutes by increasing the ceiling amount of expected family contribution and by setting the maximum amount that a student may receive in CAP grant funds for a given academic year.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures that students applying for a CAP grant meet the required financial need criteria and those students receive the maximum CAP grant allowed for any academic period. The amendment to this administrative regulation merely increases the maximum expected family contribution level necessary to demonstrate financial need, making grants available to more students and establishes the aggregate CAP grant award amount in any given academic year.

(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 amendment to this administrative regulation merely increases the maximum expected family contribution level necessary to demonstrate financial need for eligibility for the CAP grant program.

(b) The necessity of the amendment to this administrative regulation: The amendment conforms to the content of the authorizing statutes by increasing the ceiling amount of expected family contribution for participation in the CAP grant program.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by increasing the ceiling amount of expected family contribution under the CAP grant program.

(d) How the amendment will assist in the effective administration of the statutes This amendment merely increases the maximum expected family contribution level for eligibility for participation in the CAP grant program.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Students at a total of 62 Kentucky postsecondary institutions are eligible to receive CAP grant funds. In the academic year ending June 30, 2007, there were 86,589 applicants for grant awards. A total of 38,972 students received KHEAA grant awards during that period.

(4) Provide an analysis of how the entities identified in (3) above 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 in order to comply with this administrative regulation or amendment: No actions will be required from either the student recipients or participating postsecondary institutions, as this amendment merely changes the expected family contribution for eligibility for the CAP grant program.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to either the student recipients or participating postsecondary institutions.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): No specific compliance is required under this regulation by either the student recipients or participating postsecondary institutions.

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

(a) Initially: The amendment to this administrative regulation decreases the maximum expected family contribution level necessary to demonstrate financial need, making grants potentially less available to students. However, the amount of the grant, the funds available for grants, and in general the overall cost of administering the program will neither increase nor decrease.

(b) On a continuing basis: See 5(a) above.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation Grants for students under the College Access Program and the Kentucky Tuition Grant Program are funded from net lottery revenues transferred to the authority for grant and scholarship programs while administrative costs are borne by the authority through receipts of the authority.

(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: The administrative regulation does not establish any fees, nor does this administrative regulation directly or indirectly increase any fees.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not applied. It is not applicable to this amendment. This administrative regulation is intended to provide equal opportunity to participate, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution. The regulation provides equal treatment and opportunity for all applicants and recipients.

FISCAL NOTE ON STATE AND LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will impact the Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 164.748(4), 164.753(4), 164.7889(3).

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The administrative regulation will result in no additional expenditures by or revenues to the Authority during the first full year of its effectiveness.

a. How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation will not generate any revenue.

b. How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation will not generate any revenue.

c. How much will it cost to administer this program for the first year? No costs are associated with this regulation.

d. How much will it cost to administer this program for subsequent years? No costs are associated with this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation:

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student and Administrative Services
(Amendment)

11 KAR 18:010. Robert C. Byrd Honors Scholarship Program.

RELATES TO: KRS 164.744(2), 164.748(7), (8), 34 C.F.R. 654.1-654.5, 654.30-654.52, 20 U.S.C. 1070d-31-1070d-41

STATUTORY AUTHORITY: KRS 164.748(4), 164.753(3), 34 C.F.R. 654.30, 654.41, 20 U.S.C. 1070d-37, 1070d-38

NECESSITY, FUNCTION, AND CONFORMITY: 20 U.S.C. 1070d-31 et seq., establishes the Robert C. Byrd Honors Scholarship Program and requires the secretary to make grants to states to provide scholarships to outstanding high school graduates who show promise of continued excellence. 20 U.S.C. 1070d-35 and 1070d-37, and 34 C F.R. 654.30 and 654.41 require the authority, as the state agency designated to receive the grant, to establish criteria and application procedures for the selection of eligible scholars. This administrative regulation establishes application procedures and selection criteria for the administration of the Robert C. Byrd Honors Scholarship Program in Kentucky.

Section 1. Definitions. (1) "ACT score" means the composite score achieved on the American College Test at a national test site on a national test date.

(2) "Authority" is defined in KRS 164.740(1).

(3) "Award year" means the period of time from July 1 of one (1) year through June 30 of the following year.

(4) "Eligible student" is defined in KRS 164.740(5).

(5) "Federal act" is defined in KRS 164.740(7).

(6) "High school" means a school located within or outside of the commonwealth enrolling students for secondary school instruction that is:

(a) Operated by a state; or

(b) A private, parochial, or church secondary school that has been recognized as accredited, or voluntarily complying with accreditation standards, by one (1) of the fifty (50) state departments of education or one (1) of the seven (7) independent regional accrediting associations.

(7) "High school graduate" means an individual who receives:

(a) A high school diploma;

(b) A General Education Development (GED) Certificate; or

(c) Any other evidence recognized by the commonwealth as the equivalent of a high school diploma.

(8) "Participating institution" is defined in KRS 164.740(13).

(9) "SAT score" means the sum of the scores achieved on the critical reading and mathematics components of [~~composite score achieved on~~] the Scholastic Aptitude Test at a national test site on a single national test date.

(10) "Scholar" means an individual who is selected as a Byrd Scholar.

(11) "Secretary" is defined in KRS 164.740(19).

Section 2. Eligibility Criteria. (1) Initial eligibility. To be eligible for selection as a scholar, an individual shall meet the initial eligibility criteria established in 34 C.F.R. 654.40.

(2) Continued eligibility. To remain eligible for additional awards under this program for subsequent award years, a scholar shall meet the continued eligibility criteria established in 34 C.F.R. 654.51.

Section 3. Initial Application Procedures. [~~Applications submitted by individual students shall not be accepted.~~] In order for an eligible student to be considered for an award under this program:

(1) The eligible student shall not have applied for consideration in a prior year; and

(2) High school students. (a) [~~For high school seniors,~~]The eligible student's participating high school shall nominate the eligi-

ble student, and shall submit to the authority a completed application by February 15 on the Robert C. Byrd Honors Scholarship Program Application set forth in 11 KAR 4:080, Section 1(5)(a).

(b) The application shall be accompanied by the following supporting documentation pertaining to the eligible student:

1. A certified transcript showing the cumulative grade point average as of the most recent semester completed prior to the high school guidance counselor's certification [~~for seven (7) semesters of high school~~];

2. An official ACT score or SAT score;

3. A high school guidance counselor's recommendation, not exceeding 150[~~fifty (50)~~] words, pertaining to the student's promise of continued academic achievement; and

4. A listing of honors, activities, and community service performed during high school.

(3)[~~; or~~

~~(b) For a~~] GED recipient(s) (a)[~~recipient,~~] A GED coordinator shall nominate the eligible student, and submit to the authority a completed application by June 30 on the Robert C. Byrd Honors Scholarship Program Application for GED Recipients form set forth in 11 KAR 4:080, Section 1(5)(b).

(b) The application shall be accompanied by the following supporting documentation pertaining to the eligible student:

1. An official General Education Development score certification; and

2. The GED coordinator's recommendation, not exceeding 150[~~fifty (50)~~] words, pertaining to the student's promise of continued academic achievement.

Section 4. Nomination Procedures. Each participating high school shall select and submit applications as follows:

(1) Number of nominations per school. A participating high school shall submit nominations according to the following guidelines:

(a) High schools with enrollments of 1,500 or more may nominate a maximum of five (5) applicants;

(b) High schools with enrollments of 1,000-1,499 may nominate a maximum of four (4) applicants;

(c) High schools with enrollments of 500-999 may nominate a maximum of three (3) applicants; and

(d) High schools with enrollments of less than 500 may nominate a maximum of two (2) applicants.

(2) A participating high school shall nominate only eligible students who:

(a) Have a minimum:

1. ACT score of twenty-three (23); or

2. SAT score of 1060, and

(b) Have a minimum 3.5 cumulative grade point average as certified by the high school guidance counselor [~~for seven (7) semesters of high school~~].

(3) A GED coordinator shall nominate only eligible students who have a minimum GED score of 2700.

Section 5. Selection Procedures. (1) Applications shall be reviewed to ensure compliance with the requirements set forth in Sections 2, 3, and 4 of this administrative regulation.

(2) The authority shall sort acceptable applications according to the six (6) congressional districts in order to ensure proportional distribution.

(3) The authority shall evaluate and score applications on a scientific basis by a stratified random technique, with consideration to demonstrated outstanding academic achievement and promise of continued achievement and reasonable geographic representation throughout the state.

(4) At least one (1) scholar shall be selected among the GED recipients.

(5) A scholar shall be selected from eligible applicants without regard to:

(a) The applicant's race, color, national origin, sex, religion, disability, economic background, educational expenses, or financial need;

(b) Whether the scholar attended a high school located within or outside of the commonwealth, or

(c) Whether the participating institution that the scholar plans to attend is public or private or is within or outside the commonwealth.

(6) A selected scholar shall agree in writing that he shall repay to the authority the total amount of the scholarship funds received for the academic term during which he receives an award if the scholar is ineligible during the academic term as determined by the participating institution or the authority.

Section 6. Notification Procedures. The authority shall notify eligible students, tentatively selected as scholars, in writing of their status not later than ninety (90) [~~within forty-five (45)~~] days after the application submission deadline.

Section 7. Award Amount. (1) The amount of the annual award shall be governed by 34 C.F.R. 654.50 and 34 C.F.R. 654.51(b)

(2) A scholar shall receive an aggregate maximum of $6,000 over four (4) years for an undergraduate or an equivalent undergraduate program of study if he or she maintains eligibility.

Section 8. Disbursements. (1) The first payment shall be made at the beginning of the fall term after the participating institution has certified that the scholar is enrolled on a full-time basis and that the total amount of financial aid awarded to a scholar for a year of study, including the scholarship amount awarded pursuant to this administrative regulation, does not exceed the eligible student's total cost of attendance.

(2) The award shall be paid in at least two (2) disbursements in the amount of:

(a) [~~1.~~] One-half (1/2) in the fall term; and

(b)[~~2.~~] One-half (1/2) in the spring term.[~~; or~~

~~(b) For quarter-hour institutions, one-third (1/3) each quarter.~~]

(3) The funds shall be disbursed by the authority to the educational institution for either subsequent delivery to the scholar or application of the funds to the account of the scholar. [~~warrant shall be made payable to the scholar, but shall be sent to the school for delivery to the scholar.~~]

(4)(a) Except as provided in paragraph (b) of this subsection, the award shall be utilized within twelve (12) months of the time of initial award.

(b) The authority's executive director may authorize a postponement of the award utilization.

1. The postponement shall be for up to twelve (12) additional months from the date the scholar:

a. Otherwise would have enrolled in the institution after the scholarship award was made; or

b. Interrupts enrollment.

2. A postponement shall be granted only if:

a. There is sufficient good cause; and

b. The scholar requests in writing, before the payment is certified by the participating institution, that the award be delayed to postpone or interrupt his enrollment.

(c) A scholar who postpones or interrupts his enrollment at a participating institution in accordance with paragraph (b) of this subsection shall not be eligible to receive scholarship funds during the period of postponement or interruption, but shall be eligible to receive scholarship payments upon enrollment or reenrollment at a participating institution.

(d) The authority may extend the twelve (12) month suspension period without terminating the scholar's eligibility if the scholar demonstrates to the satisfaction of the authority that extended postponement or interruption of enrollment beyond the twelve (12) month suspension is due to exceptional circumstances beyond the scholar's control or necessary for the scholar to meet a commitment.

DR. SARAH LAWS, Chair

APPROVED BY AGENCY: February 21, 2008

FILED WITH LRC: March 12, 2008 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, April 21, 2008, at 10 a.m. at 100 Airport Road, Frankfort, Kentucky 40601. 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 is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who wishes to be heard 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 the proposed administrative regulation. Written comments shall be accepted until Wednesday, April 30, 2008. 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: Ms. Diana L. Barber, General Counsel, Kentucky Higher Education Assistance Authority, P O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7298, fax (502) 696-7293.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jo Carole Ellis, Director of Student Financial Aid

(1) Provide a brief summary of

(a) What this administrative regulation does: This administrative regulation establishes the application procedures and selection criteria for the administration of the Robert C. Byrd Honors Scholarship Program.

(b) The necessity of this administrative regulation: Title IV, Part A, Subpart 6 of the federal act, as amended, 20 U.S C. 1070d-31 et seq., establishes the Robert C. Byrd Honors Scholarship Program and requires the Secretary to make grants to states to provide scholarships to outstanding high school graduates who show promise of continued excellence. 20 U.S.C. sections 1070d-35 and 1070d-37, and 34 C.F.R. 654.30 and 654.41, require the authority, as the state agency designated to receive the grant to establish criteria and application procedures for the selection of eligible scholars for the Robert C. Byrd Honors Scholarship Program.

(c) How this administrative regulation conforms to the content of the authorizing statutes: Title IV, Part A, Subpart 6 of the federal act, as amended, 20 U S.C. 1070d-31 et seq., establishes the Robert C. Byrd Honors Scholarship Program and requires the Secretary to make grants to states to provide scholarships to outstanding high school graduates who show promise of continued excellence. 20 U.S.C. 1070d-35 and 1070d-37, and 34 C.F.R 654.30 and 654.41, require the authority, as the state agency designated to receive the grant, to establish criteria and application procedures for the selection of eligible scholars. This administrative regulation establishes application procedures and selection criteria for the administration of the Robert C. Byrd Honors Scholarship Program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the Robert C. Byrd Honors Scholarship Program by establishing criteria and application procedures for the selection of eligible scholars.

(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: Amend Section 1(9), the definition of SAT score, to provide that the score shall consist only of the math and critical reading components obtained on a single examination, thereby eliminating the writing portion from the score. Amend Section 3 to eliminate the provision that applications submitted by individual students will not be accepted. Amend the internal organization of Section 3(2) pertaining to high school students in order to clarify the requirements contained therein. Specifically, replace the term "high school senior" with "high school student" and subdivide subsection 2 into two parts, (a) and (b). Amend paragraph number 1 under the new subsection (b) of Section 3(2) to eliminate the requirement that the cumulative grade point average reported by the guidance counselor on behalf of an applicant must include seven (7) semesters of high school work and instead to provide that the cumulative grade point average to be reported include all semesters up through and including the semester most recently completed prior to the counselor's certification., without regard to the number of semester that might entail. Additionally, amend paragraph 3 of Section 3(2)(b) to increase the maximum number of words that may be contained in a guidance counselor's recommendation under this program from 50 to 150. Amend the internal organization of Section 3 pertaining to GED recipients in order to clarify the requirements contained therein. Specifically, create a new subsection (3) which is subdivided into two parts, (a) and (b) Additionally, amend paragraph 2 under the new subsection (3)(b) of Section 3 to increase the maximum number of words that may be contained in a GED coordinator's recommendation under this program from 50 to 150. Amend Section 4(2)(b) to specify that it is the cumulative grade point average that is to be reported by the certifying high school guidance counselor. Further, to provide that the cumulative GPA be reported as of the most recent semester attended prior to the guidance counselor's certification without regard to the actual number of semesters attend in order to be consistent with the change in Section 3(2)(b). Amend Section 6 to specify that the Authority will notify those scholars selected as recipients under the program in writing and to increase the time period by which the Authority must provide notification from forty-five to ninety days. Amend Section 8(2) to eliminate the quarter hour institution-specific disbursement schedule contained therein. Further, Amend Section 8(3) to provide that award funds will be disbursed directly to the educational institution for delivery to the scholar.

(b) The necessity of the amendment to this administrative regulation: The amendment to Section 1(9) of this administrative regulation is necessary in order to equalize the score calculations between the SAT and ACT examinations by eliminating the inclusion of the writing component of the SAT examination in the reported examination scores of applicants under this program. The amendment to Section 3 of this administrative regulation is necessary in order to accurately reflect the current application process for this program, an electronic format through which students submit applications directly to the Authority. Further, the amendments to this section are necessary in order to set forth the requirements of this program for both high school students and GED recipients in a more comprehensible manner. The amendment to paragraph number 1 under the new subsection (b) of Section 3(2) of this administrative regulation is necessary in order to eliminate the requirement imposed upon high school students that seven semesters of high school must have been completed prior to application for an award under this program. This change will enable early graduates from high school, those who are gifted and thus graduate in fewer than four years, to be eligible recipients under the Byrd Scholarship Program. Additionally, the amendment to paragraph 3 of this section is necessary in order increase the maximum number of words allowed in the high school guidance counselor's recommendation of a student applicant under this program, so as to enhance the counselor's ability to describe the student's promise of continued academic achievement. The amendment to paragraph 2 under the new subsection (3)(b) of Section 3 of this administrative regulation is necessary in order to increase the maximum number of words allowed in the GED coordinator's recommendation of a GED recipient applicant under this program, so as to enhance the coordinator's ability to describe the applicant's promise of continued academic achievement. The amendment to Section 4(2)(b) of this administrative regulation is necessary in order to be consistent with the change set forth in Section 3(2)(b) above. The amendment to Section 6 of this administrative regulation is necessary in order to enhance the notification process under this program by requiring notification to be in writing and made no later than ninety days after the application submission deadline.The amendment to Section 8(2) of this administrative regulation is necessary in order bring the regulation into alignment with the current administration of the program in that only two award disbursements are made per academic year for all participating institutions as well as to clarify that loan funds are disbursed directly to the school for subsequent delivery to the recipients.

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

(d) How the amendment will assist in the effective administration of the statutes The amendment will assist in the effective administration of the statutes by

(3) List the type and number of individuals, businesses, organi-

zations, or state and local governments affected by this administrative regulation: Byrd Scholarship recipients will be affected by this amendment. During the 2007-2008 academic year, four-hundred three Kentucky students received Byrd Scholarships.

(4) Provide an analysis of how the entities identified in (3) above 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 in order to comply with this administrative regulation or amendment:

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

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

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

(a) Initially: There is no cost to implement this administration regulation.

(b) On a continuing basis: See 5(a) above.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Robert C. Byrd Honors Scholarship Program is federally funded through an annual appropriation by Congress.

(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 increase in fees or funding will be necessary as a result of the amendment to this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes any fees nor directly or indirectly increases any fees.

(9) TIERING: Is tiering applied? Tiering was not applied. It is not applicable to this amendment. This administrative regulation is intended to provide equal opportunity to participate, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution. The regulation provides equal treatment and opportunity for all applicants and recipients.

FISCAL NOTE ON STATE AND LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will impact the Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 164.748(4), 164.753(3), 20 U.S.C. 1070d-37, 1070d-38, 34 C.F.R. 654.30, 654.41.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The administrative regulation will result in no additional expenditures by or revenues to the Authority during the first full year of its effectiveness.

a. How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation will not generate any revenue.

b. How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation will not generate any revenue.

c How much will it cost to administer this program for the first year? No costs are associated with this regulation.

d. How much will it cost to administer this program for subsequent years? No costs are associated with this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation

Revenues (+/-):
Expenditures (+/-):
Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. The federal statutes and regulations that constitute the federal mandate are 20 U S.C. sections 1070d-31 through 1070d-41 and 34 C.F.R. Part 654, subparts A, D, E, and F.

2. State compliance standards. These federal statutes and regulations establish the criteria for initial and continued eligibility of students, and establish the amount of the scholarship award. The federal criteria for eligibility and award amount are adopted by the Authority without change. The federal statutes and regulations also require the Authority to establish criteria and application procedures for the selection of eligible scholars in the Robert C. Byrd Honors Scholarship Program. Discretion is given to the Authority to establish procedures and requirements in the following areas: Initial Application, Nomination, Selection, Notification and Disbursement. Applications submitted by individual students shall not be accepted. In order for an eligible student to be considered for an initial award under this program, the eligible student shall not have applied for consideration in a prior year. For high school seniors, the eligible student's participating high school shall nominate the eligible student, and shall submit to the authority a completed application by February 15. The application shall be accompanied by a certified transcript showing the cumulative grade point average for seven semesters of high school, an official ACT score or SAT score, a high school guidance counselor's recommendation, not exceeding fifty (50) words, pertaining to the student's promise of continued academic achievement and a listing of honors, activities, and community service performed during high school. For a GED recipient, a GED coordinator shall nominate the eligible student, and submit to the authority a completed application by February 15 The application shall be accompanied by an official General Education Development score certification and the GED coordinator's recommendation, not exceeding fifty (50) words, pertaining to the student's promise of continued academic achievement. For nomination purposes, participating high schools with enrollments of 1,500 or more may nominate a maximum of five applicants. High schools with enrollments of 1,000-1,499 may nominate a maximum of four applicants. High schools with enrollments of 500-999 may nominate a maximum of three applicants and high schools with enrollments of less than 500, may nominate a maximum of two applicants. A participating high school shall nominate only students who have a minimum ACT score of 23, or SAT score of 1060 and a minimum 3.5 grade point average for seven semesters of high school. For GED graduates, a GED coordinator shall nominate only eligible students who have a minimum GED score of 2700. For selection purposes, the authority shall require review of applications to ensure compliance with the requirements set forth above, sort acceptable applications according to the six congressional districts in order to ensure proportional distribution, evaluate and score applications on a scientific basis by a stratified random technique, with consideration to demonstrated outstanding academic achievement and promise of continued achievement and reasonable geographic representation throughout the state. At least one scholar shall be selected among the GED recipients. A scholar shall be selected from eligible applicants without regard to the applicant's race, color, national origin, sex, religion, disability, economic background, educational expenses, or financial need, or whether the scholar attended a high school located within or outside of the Commonwealth or whether the participating institution that the scholar plans to attend is public or private or is within or outside the Commonwealth. A selected scholar shall agree in writing that he shall repay to the authority the total amount of the scholarship funds received for the academic term during which he

receives an award if the scholar is ineligible during the academic term as determined by the participating institution or the authority. For notification, the authority shall notify eligible students, tentatively selected as scholars, of their status within 45 days after the application submission deadline. For disbursement the first payment shall be made at the beginning of the fall term after the participating institution has certified that the scholar is enrolled on a full-time basis and that the total amount of financial aid awarded to a scholar for a year of study, including the scholarship amount awarded pursuant to this administrative regulation, does not exceed the eligible student's total cost of attendance. The award shall be paid in at least two disbursements in the amount of one-half in the fall term and one-half in the spring term. The warrant will be made payable to the scholar, but will be sent to the school for delivery to the scholar. The award shall be utilized within twelve (12) months of the time of initial award, except that the authority executive director may authorize for sufficient cause a postponement of the utilization of the award for up to twelve (12) additional months, beginning on the date the scholar otherwise would have enrolled in the institution after the scholarship award or the date the scholar interrupts enrollment, if the scholar requests in writing, before the fall payment is certified by the participating institution, that the award be delayed to postpone or interrupt his enrollment. A scholar who postpones or interrupts his enrollment at a participating institution in accordance with paragraph (a) of this subsection shall not be eligible to receive scholarship funds during the period of postponement or interruption, but shall be eligible to receive scholarship payments upon enrollment or re-enrollment at a participating institution. The authority may extend the twelve (12) month suspension period without terminating the scholar's eligibility if the scholar demonstrates to the satisfaction of the authority that extended postponement or interruption of enrollment beyond the twelve (12) month suspension is due to exceptional circumstances beyond the scholar's control or necessary for the scholar to meet a commitment.

3. Minimum or uniform standards contained in the federal mandate. The federal statutes and regulations impose specific requirements on administration of the Byrd Program with respect to eligibility and award amount. Specifically, they provide that a student is eligible to be selected as a scholar if he or she is a legal resident of the State to which he or she is applying for a scholarship, is a U.S. citizen or national, provides evidence from the U.S. Immigration and Naturalization Service that he or she is a permanent resident of the United States, is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident, is a permanent resident of the Trust Territory of the Pacific Islands (Palau), becomes a high school graduate in the same secondary school year in which he or she submits the scholarship application, has applied or been accepted for enrollment as a full-time student at an institution of higher education, is not ineligible to receive assistance as a result of default on a Federal student loan or other obligation, as provided under 34 C.F.R. 75.60 and files a Statement of Selective Service Registration Status, in accordance with the provisions of 34 C.F.R. 668.33 of the Student Assistance General Provisions regulations, with the institution he or she plans to attend or is attending. For award amount, the state education agency shall disburse $1,500 for each year of study for a maximum of four years of study to each scholar who is selected in accordance with the criteria established under Sec. 654.41 and meets the requirements for continuing eligibility under Sec. 654.51. The state education agency shall ensure that the total amount of financial aid awarded to a scholar for a year of study does not exceed the total cost of attendance, that loans are reduced prior to reducing a scholarship awarded under this program and that the selection process is completed, and the awards made, prior to the end of each secondary school academic year. The Authority without change adopts the federal criteria for eligibility and award amount. The federal statutes and regulations require the State Education Agency (SEA) to establish procedures for the following areas. Initial Application, Nomination, Selection, Notification and Disbursement The federal statutes and regulations allow discretion to establish those criteria and procedures so long as they ensure that the SEA selects scholars:

(a) Who are eligible students under the criteria provided in 34 C.F.R. Sec. 654.40;

(b) Who have demonstrated outstanding academic achievement and show promise of continued achievement;

(c) In a manner that ensures an equitable geographic distribution of awards within the State; and

(d) Without regard to:

(i) Whether the secondary school each scholar attends is within or outside the scholar's State of legal residence;

(ii) Whether the institution of higher education each scholar plans to attend is public or private or is within or outside the scholar's State of legal residence;

(iii) Race, color, national origin, sex, religion, disability, or economic background; and

(iv) The scholar's educational expenses or financial need. The federal statutes and regulations also require that the procedures established by the state educational agency ensure that the agency shall.

(a) Notify scholars of their selections and scholarship awards;

(b) Disburse the scholarship funds in accordance with 34 C.F.R. Sec. 654.50 to the scholar, the institution of higher education in which the scholar enrolls, or copayable to the scholar and the institution of higher education in which the scholar enrolls;

(c) Complete the selection process and make the awards prior to the end of each secondary school academic year;

(d) Collect any scholarship funds improperly disbursed under Sec. 654.50;

(e) Permit a scholar to postpone or interrupt his or her enrollment at an institution of higher education without forfeiting his or her scholarship for up to 12 months, beginning on the date the scholar otherwise would have enrolled in the institution after the SEA awarded his or her scholarship or the date the scholar interrupts enrollment.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The administrative regulation does not impose stricter requirements than those in the federal statute and regulation.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There are no requirements in this administrative regulation that are stricter than the federal mandate.

FINANCE AND ADMINISTRATION CABINET
Department of Revenue
Office of Property Valuation
(Amendment)

103 KAR 3:030. Property and Severance Forms manual.

RELATES TO: KRS 42.470, 61 870-61.884, 131.020, 131.030, 131.041-131.081, 131.081(2), (9), (15), 131.110, 131.130, 131.130(3), 131.155, 131.181, 131.183, 131.190, 131.340, 131.500, 131.500(1), (2), (3), (10), 131.510(1), (2)(a), 131.540, 132.020, 132.130-132 180, 132.190, 132.200, 132.220-132.270, 132.290, 132.310, 132.320, 132.360, 132.450, 132.487, 132 510, 132.820, 132.825, 132.990, 133.045, 133.110, 133.120, 133.130, 133.240, 134.020, 134.390, 134.420, 134.430, 134.440, 134.500, 134.590, 134.800, 134 805, 134.810, 134 815, 134.820, 134.825, 134.830, 135.010, 135 020, 135 050, 136.020, 136 050, 136.115-136.180, 136.181-136.187, 136.1802-136 1806, 136.1873, 136.310, 136.320, 136.330, 136.335, 136.377, 136 545, 136.575, 136.600-136.660, 137.130, 137.160, 143.030(1), 143.037, 143.040, 143 050, 143.060(1), 143.085, 143.990, 143A.010, 143A.030, 143A.035, 143A.037, 143A.080, 143A.090, 143A.100(1), 143A.991, Ky. Const. Sec. 170

STATUTORY AUTHORITY: KRS 131.130(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required Revenue Forms, used in the administration of Property and Severance Taxes by the Department of Revenue.

Section 1. Property Tax - Required Forms (1) Revenue Form 61A200(P) "Property Tax Forms and Instructions for Public Service Companies 2008" contains Revenue Form 61A200 and filing instructions for[, "Public Service Company Property Tax Return 2006", shall be filed by] public service companies[with the Department of Revenue] reporting company name, location and other pertinent filing information with the Department of Revenue.

(2) Revenue Form 61A200(A), "Report of Total Unit System and Kentucky Operations", shall be filed by public service companies with the Department of Revenue, reporting the System and Kentucky original cost, total depreciation and depreciated cost for all operating and nonoperating property types as of the end of the taxable year.

(3) Revenue Form 61A200(B), "Report of Kentucky Vehicles, Car Lines and Watercraft", shall be filed by public service companies with the Department of Revenue, reporting the assessed value of all Kentucky apportioned and regular licensed motor vehicles, railroad car lines and commercial watercraft as of the end of the year.

(4) Revenue Form 61A200(C), "Report of Total Unit Operations Balance Sheet", shall be filed by public service companies with the Department of Revenue, reporting a financial statement (balance sheet) as of December 31 for the system operating unit including Kentucky.

(5) Revenue Form 61A200(D), "Report of Total Unit Operations Income Statement", shall be filed by public service companies with the Department of Revenue, reporting a financial statement (income statement) for 12 months ending December 31 for the system operating unit including Kentucky.

(6) Revenue Form 61A200(E), "Filing Extension Application", shall be used by public service companies to request an extension of time to file the public service company tax return.

(7) Revenue Form 61A200(G), "Report of Capital Stocks", shall be filed by public service companies with the Department of Revenue, reporting an analysis of their capital stocks as of the end of the taxable year.

(8) Revenue Form 61A200(H), "Report of Funded Debt", shall be filed by public service companies with the Department of Revenue reporting an analysis of their debt as of the end of the taxable year.

(9) Revenue Form 61A200(I), "Business Summary by Taxing Jurisdiction", shall be filed by public service companies with the Department of Revenue, reporting a summary of the business activity within each taxing district.

(10) Revenue Form 61A200(J), "Property Summary by Taxing Jurisdiction, Operating and Nonoperating Property", shall be filed by public service companies with the Department of Revenue reporting a summary of the amount of operating and nonoperating property owned or leased in this state, by each county, city and special district.

(11) Revenue Form 61A200(K), "Operating Property Listing by Taxing Jurisdiction", shall be filed by public service companies with the Department of Revenue, reporting an inventory of the amount and kind of operating property, owned or leased, located in this state, for each county, city and special taxing district.

(12) Revenue Form 61A200(K2), "Nonoperating/Nonutility Property Listing by Taxing Jurisdiction", shall be filed by public service companies with the Department of Revenue reporting an inventory of the amount and kind of nonoperating property owned or leased, located in this state, for each county, city and special taxing district.

(13) Revenue Form 61A200(L), "Report of Allocation Factors, Operating and Noncarrier Property for All Interstate Companies", shall be filed by interstate, noncarrier, public service companies with the Department of Revenue, reporting property and business factors in total and for the state of Kentucky.

(14) Revenue Form 61A200(M), "Report of Property and Business Factors for Interstate Railroad and Sleeping Car Companies", shall be filed by interstate railroad and sleeping car companies with the Department of Revenue, reporting property and business factors in total and for the state of Kentucky.

(15) Revenue Form 61A200(N), "Report of Leased Real Property, Kentucky Operating Leases", shall be filed by public service companies with the Department of Revenue, reporting all leased property and the terms of the lease.

(16) Revenue Form 61A200(O), "Railroad Private Car Mileage Report", shall be filed by railroad car line companies with the Department of Revenue reporting the name and address of the company and the mileage in Kentucky.

(17) Revenue Form 61A200(Q), "Supplemental Report of Operations for Contained and Residential Landfills", shall be filed by landfills with the Department of Revenue, reporting historic, current, and projected operational information

(18) Revenue Form 61A200(R), "Report of Property Subject to the Pollution Control Tax Exemption", shall be filed by public service companies with the Department of Revenue, reporting certified pollution control equipment, the original cost and the net book value.

(19) Revenue Form 61A200(S), "Filing Requirements for Commercial Passenger and Cargo Airlines", shall be filed by passenger and cargo airline companies with the Department of Revenue, reporting statistical information about all owned and leased aircraft.

(20) Revenue Form 61A200(U), "Industrial Revenue Bond Property", shall be filed by a public service company to list real and tangible personal property purchased with an industrial revenue bond.

(21) Revenue Form 61A202, "2008[2007] Public Service Company Property Tax Return for Railroad Car Line" shall be filed by railroad car line companies with the Department of Revenue, classifying the railcars by type and reporting cost, age, and mileage for each railcar.

(22) Revenue Form 61A207(P), "Commercial[, "2007 Nonresident] Watercraft Personal Property Tax Return 2008", contains Revenue Form 61A207 and filing instructions for all commercial[shall be filed by][nonresident] watercraft owners, both resident and nonresident [which do not fall under the filing requirements of KRS 136.120][with the Department of Revenue], reporting the watercraft's book value, original cost and total and Kentucky route mileage with the Department of Revenue

(23) Revenue Form 61A207(A), "Report of Owned Vessels in Your Possession" shall be filed with the Department of Revenue, reporting all owned vessels (both available and operating) in their fleet as of January 1, 2008.

(24) Revenue Form 61A207(B), "Report of Owned Vessels in Possession of Others" shall be filed with the Department of Revenue, reporting all owned vessels that are in possession of other persons, companies, corporations, operators, charterers as of January 1, 2008.

(25) Revenue Form 61A207(C), "Report of Nonowned Vessels in Your Possession" shall be filed with the Department of Revenue, reporting all nonowned vessels (both available and operating) in their fleet as of January 1, 2008.

(26) Revenue Form 61A207(D), "Valuation Worksheet" shall be filed with the Department of Revenue, reporting the original cost, cost of rebuilds and the cost of major improvements of all owned and nonowned vessels.

(27) Revenue Form 61A207(E), "Kentucky Route Miles" shall be filed with the Department of Revenue reporting the system route miles traveled on Kentucky waterways.

(28) Revenue Form 61A207(F), "Report of System Route Miles" shall be filed with the Department of Revenue reporting the system route miles traveled on United States waterways.

(29)[(23)] Revenue Form 61A209, "Public Service Company Sales", shall be filed by public service companies with the Department of Revenue, reporting any full or partial sale or purchase of assets of the public service company.

(30)[(24)] Revenue Form 61A211, "Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs" shall be filed by public service companies with the Department of Revenue reporting all motor vehicles owned or leased within Kentucky.

(31)[(25)] Revenue Form 61A211(I), "Instructions for Enclosed Form 61A211", shall provide instructions for completing "Revenue Form 61A211, Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs".

(32)[(26)] Revenue Form 61A230, "Notice of Assessment", shall be sent by the Department of Revenue to the taxpayer notifying him of the final assessment of the public service company

property.

(33)[~~(27)~~] Revenue Form 61A240, "Notice of Assessment", shall be sent by the Department of Revenue notifying him of a tentative assessment of the public service company property. This notice shall inform the taxpayer of the protest period.

(34)[~~(28)~~] Revenue Form 61A250, "Notice of Assessment", shall be sent by the Department of Revenue notifying the taxpayer of his claim of assessed value on public service company property.

(35)[~~(29)~~] Revenue Form 61A255, "Public Service Company Property Tax Statement", shall be used by the counties, schools and special districts to bill public service companies for local property taxes.

(36) Revenue Form 61A255(I), "Instructions for 61A255 Public Service Company Property Tax Statement", shall provide instructions for completing Revenue Form 61A255, "Public Service Company Property Tax Statement".

(37)[~~(30)~~] Revenue Form 61A500(P), "2008[~~2007 Tangible~~] Personal Property Tax Forms and Instructions[~~Return~~] for Communication Service Providers and Multichannel Video Program Service Providers", contains Revenue Form 61A500 and filing instructions for[~~shall be filed by~~] telecommunication, satellite, and cable television companies[~~with the Department of Revenue~~], reporting all tangible personal property with the Department of Revenue.

(38)[~~(31)~~] Revenue Form 61A500(H), "Report of Total Personal Tangible Property in Kentucky", shall be filed by telecommunication, satellite, and cable television companies with the Department of Revenue, summarizing the Kentucky original cost, depreciation, and net book value of each class of tangible personal property.

(39)[~~(32)~~] Revenue Form 61A500(I), "Summary of Gross Personal Tangible Property Listing by Taxing District", shall be filed by telecommunication, satellite, and cable television companies with the Department of Revenue, summarizing the Kentucky Original Cost by taxing jurisdiction.

(40)[~~(33)~~] Revenue Form 61A500(J), "Summary of Reported Personal Tangible Property Listing by Taxing District", shall be filed by telecommunication, satellite, and cable television companies with the Department of Revenue, summarizing the Kentucky reported value by taxing jurisdiction.

(41)[~~(34)~~] Revenue Form 61A500(K), "Personal Tangible Property Listing by Taxing District", shall be filed by telecommunication, satellite and cable television companies with the Department of Revenue and shall contain an inventory of the amount and kind of personal property owned and located in Kentucky by taxing jurisdiction.

(42)[~~(35)~~] Revenue Form 61A507, "Nonresident Watercraft Property Tax Statement", shall be used by county clerks and local tax jurisdictions to bill assessments of nonresident watercraft personal property.

(43)[~~(36)~~] Revenue Form 61A508, "Annual Report of Distilled Spirits in Bonded Warehouse", shall be filed by distilleries with the Department of Revenue to report inventory as of January 1.

(44)[~~(37)~~] Revenue Form 61A508-S1, "Schedule 1 Department of Property Valuation Cost of Production Schedule", shall be filed by distilleries with the Department of Revenue, reporting the average cost per gallon of production.

(45)[~~(38)~~] Revenue Form 61A508-S2, "Schedule 2 Department of Property Valuation Storage Cost Schedule", shall be filed by distilleries with the Department of Revenue, reporting average per barrel storage cost.

(46)[~~(39)~~] Revenue Form 61A508-S3, "Schedule 3 Schedule of Bulk Sales", shall be filed by distilleries with the Department of Revenue, reporting the date of the sale or purchase, the number of barrels, age, and the price.

(47)[~~(40)~~] Revenue Form 61A508-S4, "Schedule 4", shall be filed by distilleries with the Department of Revenue, reporting the fair cash value of bulk inventory summarized on Form 61A508[~~for case goods and other inventory reported on Form 61A508~~].

(48) Revenue Form 61A508-S5, "Schedule 5", shall be filed by distilleries with the Department of Revenue, reporting the fair cash values of case goods summarized on Form 61A508.

(49)[~~(41)~~] Revenue Form 61A509, "Distilled Spirits or Telcoms Property Tax Statement", shall be used by county clerks and local tax jurisdictions to bill assessments of distilled spirits and telecom personal property.

(50)[~~(42)~~] Revenue Form 61F007, "Notification for Protesting Your Assessment (Commercial Watercraft)", shall inform taxpayers of the protest procedures on Commercial Watercraft assessments.

(51)[~~(43)~~] Revenue Form 61F008, "Notification for Protesting Your Assessment (Railroad Car Lines)", shall inform taxpayers of the protest procedures on Railroad Car Line assessments.

(52)[~~(44)~~] Revenue Form 61F009, "Notification for Protesting Your Assessment", shall inform taxpayers of the protest procedures on Public Service Company Property Tax assessments.

(53)[~~(45)~~] Revenue Form 61F010, "Notification for Protesting Your Assessment (Distilled Spirits)", shall inform taxpayers of the protest procedures on Distilled Spirits assessments.

(54)[~~(46)~~] Revenue Form 62A007, "Motor Vehicle Tax and/or Registration Renewal Notice" shall be issued by the Department of Revenue to notify motor vehicle owners of their ad valorem property tax liabilities and registration renewal deadline.

(55)[~~(47)~~] Revenue Form 62A007S, "Motor Vehicle/Boat Property Tax Notice - Second Notice" shall be issued by the Department of Revenue to notify motor vehicle and boat owners of their delinquent ad valorem property tax liabilities.

(56)[~~(48)~~] Revenue Form 62A008, "Motor Vehicle Tax Notice" shall be issued by the Department of Revenue to notify motor vehicle owners of their ad valorem property tax liabilities.

(57)[~~(49)~~] Revenue Form 62A009, "Map Sales Invoice", shall be provided to the customer by the Department of Revenue as a receipt for payment of maps purchased.

(58)[~~(50)~~] Revenue Form 62A010, "Notice for Boat Transfer", shall be issued to January 1 owners of boats transferred during the calendar year informing them of the ad valorem tax due on the transferred boat.

(59)[~~(51)~~] Revenue Form 62A013, "Application for Assessment Moratorium Certificate", shall be filed by property owners seeking an assessment moratorium on qualifying existing property undergoing repair, rehabilitation or restoration. The form shall be filed with the proper administrating agency of the county in which the property is located, thirty (30) days prior to restoration or repair.

(60)[~~(52)~~] Revenue Form 62A015, "Motor Vehicle and Watercraft Property Tax Rate Certification", shall be submitted annually to the Department of Revenue by motor vehicle and watercraft taxing jurisdictions to certify the rates established by the taxing jurisdiction for motor vehicles and watercraft.

(61)[~~(53)~~] Revenue Form 62A016, "Quietus", shall be issued by the Department of Revenue to certify that a county clerk is in good standing with regard to the conduct of ad valorem property tax collection duties.

(62)[~~(54)~~] Revenue Form 62A017, "County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills", shall be completed by the Department of Revenue and county clerk to certify the total number of motor vehicle and boat accounts for a given county and determine the county clerk's compensation for making tax bills.

(63)[~~(55)~~] Revenue Form 62A018, "School Taxing Jurisdiction - Motor Vehicle and Watercraft Property Tax Rate", shall be completed by the Department of Revenue to list the motor vehicle and watercraft property tax rates for each school taxing jurisdiction.

(64)[~~(56)~~] Revenue Form 62A019, "Distributions of Ad Valorem Tax to the Fiscal Courts", shall be completed by the Department of Revenue to list the fiscal year ad valorem property tax distributions to the various county fiscal courts.

(65)[~~(57)~~] Revenue Form 62A020, "Intercounty Property Tax Collections", shall be completed by the Department of Revenue to list distributions of ad valorem property tax made to individual taxing jurisdictions.

(66)[~~(58)~~] Revenue Form 62A023, "Application for Exemption from Property Taxation", shall be filed by organizations, other than institutions of religion seeking a property tax exemption under Ky. Const. Sec. 170. This form shall be filed with the Department of Revenue.

(67)[~~(59)~~] Revenue Form 62A023-R, "Application for Exemption from Property Taxation for Religious Organizations" shall be filed by institutions of religion seeking a property tax exemption under Ky. Const. Sec. 170. This form shall be filed with the Department of Revenue.

(68)[~~(60)~~] Revenue Form 62A030, "Request for Reproduction of PVA Public Records", shall be submitted to request copies of

documents required to be retained by the PVA.

(69)[~~(61) Revenue Form 62A037, "Mail Back Card Department of Property Valuation", shall be filed by property owners, other than the owners of mobile homes, to report information regarding their property to the Department of Revenue in order to ensure assessment quality.~~

~~(62) Revenue Form 62A039, "Mail Back Card Department of Property Valuation for Mobile Manufactured Home", shall be filed by owners of mobile homes to report information regarding their property to the Department of Revenue in order to ensure assessment quality.~~

~~(63)~~] Revenue Form 62A044, "Affidavit for Correction/Exoneration of Motor Vehicle/Boat Property Tax", shall be completed by the owner of a vehicle or boat, at the property valuation administrator's office in order to correct owner or vehicle/boat information in the ad valorem tax computer system. The PVA shall present the form to the county clerk when a tax refund is authorized.

(70)[~~(64)~~] Revenue Form 62A200(P), "2008[~~2007~~] Unmined Coal Property Tax Information Return", contains Revenue Form 62A200 and filing instructions for[~~shall be filed by~~] owners or lessees of unmined minerals[~~with the Department of Revenue~~], reporting filer information with the Department of Revenue

(71)[~~(65)~~] Revenue Form 62A200, "Schedule A Fee Property Ownership", shall be filed by owners or lessees of unmined minerals with the Department of Revenue, reporting ownership information for each parcel or royalty information for each leased parcel.

(72)[~~(66)~~] Revenue Form 62A200, "Schedule B Mineral Property Ownership (Coal Only)", shall be filed by owners or lessees of unmined coal with the Department of Revenue, reporting ownership information for each parcel or royalty information for each leased parcel.

(73)[~~(67)~~] Revenue Form 62A200, "Schedule C Leased Property", shall be filed by all lessees and sublessees with the Department of Revenue, reporting a property schedule for each parcel leased from another party and outlined on the lessee map.

(74)[~~(68)~~] Revenue Form 62A200, "Schedule D Property or Stock Transfers" shall be filed by both purchasers and sellers of unmined mineral property, with the Department of Revenue, reporting details of the transaction.

(75)[~~(69)~~] Revenue Form 62A200, "Schedule E Lease Terminations, Transfers or Assignments", shall be filed by lessors or lessees of unmined minerals, with the Department of Revenue, reporting the parcel number, date lease was terminated and the reason for termination.

(76)[~~(70)~~] Revenue Form 62A200, "Schedule F Farm Exception to Unmined Minerals Tax", shall be filed by surface owners, who own the mineral rights in their entirety and are engaged primarily in farming, to be excepted from the unmined minerals tax.

(77)[~~(71)~~] Revenue Form 62A200, "Schedule G Geological Information by County", shall be filed by owners or lessees of unmined minerals, with the Department of Revenue, reporting exploration and analytical information.

(78)[~~(72)~~] Revenue Form 62A302, "Request for Information for Local Board of Tax Appeals", shall be filed by taxpayers with the property valuation administrator, if appealing their assessment on real property.

(79)[~~(73)~~] Revenue Form 62A304, "Property Valuation Administrator's Recapitulation of Real Property Tax Roll", shall be filed by the property valuation administrator by the first Monday in April, showing a recapitulation of property assessments by type of property and by taxing district. This form shall also be known as "first recap".

(80)[~~(74)~~] Revenue Form 62A305, "Property Valuation Administrator's Summary of Real Property Tax Roll Changes" shall be filed by the property valuation administrator within six (6) days of the conclusion of the real property tax roll inspection period, showing all changes made since the submission of Revenue Form 62A304. This form shall also be known as "final recap" or "second recap".

(81)[~~(75)~~] Revenue Form 62A307, "Property Owner Conference Record", shall be used by the property valuation administrator to document a property owner's appeal conference. The property owner or his representative shall be asked to sign the record and shall be given a copy of the record.

(82)[~~(76)~~] Revenue Form 62A323, "Record of Additions and Deletions", shall be used by the PVA to report all real property additions and deletions for a particular assessment year.

(83)[~~(77)~~] Revenue Form 62A329, "Annual Report of Domestic Life Insurance Companies", shall be filed by life insurance companies doing business in Kentucky, with the Department of Revenue, reporting the fair cash value of the company's intangible property, both taxable and exempt, and the aggregate amount.

(84)[~~(78)~~] Revenue Form 62A350, "Application for Exemption Under the Homestead/Disability Amendment", shall be filed by property owners seeking an exemption from property taxes under Ky. Const. Sec. 170. This application shall be filed with the property valuation administrator of the county in which the residential unit is located.

(85)[~~(79)~~] Revenue Form 62A352, "Notice to Real Property Owner of Assessment by Property Valuation Administrator", shall be mailed to the property owner by the property valuation administrator notifying him of the assessment amount and of his appeal rights.

(86)[~~(80)~~] Revenue Form 62A353, "Notice of Listing of Omitted Real Property", shall be mailed by the property valuation administrator to the property owner. This document shall notify the property owner that his omitted property has been listed and assessed and of his appeal rights.

(87)[~~(81)~~] Revenue Form 62A354, "Notice to Property Owner of Final Decision of Board of Assessment Appeals", shall be sent from the Board of Assessment Appeals to the property owner to inform him of their ruling.

(88)[~~(82)~~] Revenue Form 62A359, "Sheriff's Report of Tax Claims Purchased for Taxing Districts", shall be used by the sheriffs to report delinquent real estate tax bills that were purchased by the sheriff on behalf of the taxing districts.

(89)[~~(83)~~] Revenue Form 62A359-A, "Certification", shall be used by the sheriff to affirm that the list of delinquent real estate tax bills is accurate

(90)[~~(84)~~] Revenue Form 62A360, "Order Correcting Erroneous Assessment", shall be issued to the collection agency (county sheriff or clerk) and taxpayer correcting an erroneous mineral property tax assessment.

(91)[~~(85)~~] Revenue Form 62A362, "Sheriff's Report of Delinquent Taxpayers", shall be used by the sheriff to report delinquent tangible property tax bills.

(92)[~~(86)~~] Revenue Form 62A362-A, "Certification", shall be used by the sheriff to affirm that the list of delinquent tangible property tax bills is accurate.

(93) Revenue Form 62A363, "County Clerk's Claim for Preparing Tax Bills", shall be submitted by the county clerk in order to receive payment for each property tax bill prepared, with one-half (1/2) paid out of the county treasury and one-half (1/2) paid out of the State Treasury.

(94)[~~(87)~~] Revenue Form 62A363-B, "County Clerk's Claim for Preparing Omitted Tax Bills", shall be submitted by the county clerk in order to receive payment of one (1) dollar for each omitted property tax bill prepared, with one-half (1/2) paid out of the county treasury and one-half (1/2) paid out of the State Treasury.

(95) Revenue Form 62A364, "County Clerk's Monthly Report of Omitted Assessments", must be used by the county clerk to report omitted assessments made by the property valuation administrator.

(96)[~~(88)~~] Revenue Form 62A365, "Nonresidency Affidavit", shall be filed as proof of nonresidency in Kentucky as of January 1, for ad valorem tax purposes.

(97)[~~(89)~~] Revenue Form 62A366, "Order Correcting Erroneous Assessment", shall be filed by the property valuation administrator with the sheriff, to correct an error made in an assessment of property.

(98)[~~(90)~~] Revenue Form 62A366-D, "Order Correcting Erroneous Delinquent Assessment", shall be filed by the property valuation administrator with the sheriff, to correct an error made in a delinquent assessment of property.

(99)[~~(91)~~] Revenue Form 62A366-R, "Exoneration Form for Property Tax Refund", shall be filed a by taxpayer for refunds of property tax.

(100)[~~(92)~~] Revenue Form 62A367, "Authorization for Prepar-

ing Additional/Supplemental Property Tax Bills", shall be used by a property valuation administrator to prepare additional or supplemental tax bills.

(101)[~~(93)~~] Revenue Form 62A367-A, "Instructions for Preparation of Additional/Supplemental Tax Bills and Official Receipt", shall be provided to assist the PVA with the preparation of additional or supplemental tax bills.

(102)[~~(94)~~] Revenue Form 62A368-A, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue delinquent property tax collections for the 1997 tax year only.

(103)[~~(95)~~] Revenue Form 62A368-B, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue delinquent property tax collections for tax years after 1997.

(104)[~~(96)~~] Revenue Form 62A369, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue delinquent property tax collections for the 1996 and earlier tax years.

(105) Revenue Form 62A369-A, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue state commission from delinquent property tax collections.

(106)[~~(97)~~] Revenue Form 62A372, "Sheriff's List of Orders Correcting Erroneous Assessments", shall be used by the sheriff to report all exonerations made to the tax bills by the property valuation administrator.

(107)[~~(98)~~] Revenue Form 62A372-A, "Certification", shall be used by the sheriff to affirm that the list of exonerations is accurate.

(108)[~~(99)~~] Revenue Form 62A378, "Report of Location of Mobile Homes", shall be filed by every person providing rental space for mobile homes and house trailers. This form shall be filed with the property valuation administrator of the county in which the park is located.

(109)[~~(100)~~] Revenue Form 62A379, "Listing of Omitted Real Property", shall be used by a taxpayer to voluntarily list any property previously omitted from the tax roll or shall be used by a property valuation administrator to list any involuntary omitted property.

(110)[~~(101)~~] Revenue Form 62A384C, "Clay Property Tax Return", shall be filed with the Department of Revenue by persons owning or leasing clay property, reporting the owner's name and address, percent ownership, product tons, and royalty rate.

(111)[~~(102)~~] Revenue Form 62A384C-(I), "Instructions to Complete Clay Property Tax Return for 2008[~~2007~~] Tax Year", shall be used by owners and lessees of land containing mineable clay minerals to file Revenue Form 62A384.

(112)[~~(103)~~] Revenue Form 62A384-G, "Natural Gas Property Tax Return", shall be filed with the Department of Revenue by persons owning or leasing developed natural gas properties, reporting the location of the property, total yearly gas production, number of producing wells, and the total dollar value of production.

(113)[~~(104)~~] Revenue Form 62A384-G/O(I) "Instructions for Gas and Oil Property Tax Returns", shall be provided to filers of gas and oil property tax returns instructing filers of the acceptable method of completing the gas and oil property tax return.

(114)[~~(105)~~] Revenue Form 62A384L, "Limestone and Sand and Gravel Property Tax Return", shall be filed with the Department of Revenue by persons owning or leasing limestone, sand or gravel properties reporting mineral location, type of mining and production in the last three (3) years.

(115)[~~(106)~~] Revenue Form 62A384-O, "Oil Property Tax Return Lease Report", shall be filed with the Department of Revenue by all persons, corporations, businesses and partnerships owning, leasing or having knowledge of developed oil properties to report developed oil property in Kentucky.

(116)[~~(107)~~] Revenue Form 62A385, "Sheriff's Official Receipt for Property Tax Bills", shall be used by sheriffs to acknowledge receipt of the county's property tax bills and to document the total tax amount to be collected for each taxing district.

(117)[~~(108)~~] Revenue Form 62A385-A, "Sheriff's Receipt For Unpaid And Partially Paid Tax Bills", shall be used by incoming sheriffs to give receipt to the outgoing sheriff for the unpaid and partially paid tax bills outstanding when he assumes office.

(118) Revenue Form 62A393, "Sheriff's Property Tax Account Statement", shall be used by the Department of Revenue to conduct the annual property tax settlement with the sheriff.

(119) Revenue Form 62A393-A, "Incoming Sheriff's Property Tax Account Statement", shall be used by the Department of Revenue to conduct the property tax settlement with the incoming sheriff.

(120) Revenue Form 62A393-B, Outgoing Sheriff's Property Tax Account Statement", shall be used by the Department of Revenue to conduct the property tax settlement with the outgoing sheriff.

(121)[~~(109)~~] Revenue Form 62A394, "Sheriff's Monthly Report of Property Tax Collections", shall be used by sheriffs to report to the Department of Revenue property tax collections for the month.

(122)[~~(110)~~] Revenue Form 62A394-MV, "County Clerk's Monthly Report of Motor Vehicle Property Tax Collections", shall be submitted by the county clerk to the Department of Revenue and local taxing jurisdictions to report ad valorem property tax collections for the month.

(123)[~~(111)~~] Revenue Form 62A398, "Property Valuation Administrator's Bond", shall be completed by Property Valuation Administrators evidencing surety with the Commonwealth and a local school board and affirming a commitment to fulfill the duties of the office.

(124)[~~(112)~~] Revenue Form 62A399, "Notice To Appear in Circuit Court", shall be served to a person who is indebted to another person who has a delinquent tax liability.

(125)[~~(113)~~] Revenue Form 62A400, "Notice of Distraint", shall be sent by the sheriff to notify persons in possession of personal property belonging to a delinquent taxpayer that this property is subject to distraint in order to settle the tax liability.

(126)[~~(114)~~] Revenue Form 62A401, "Final Notice Before Distraint", shall be sent by the sheriff to the owner of real and personal property omitted from the tax roll.

(127)[~~(115)~~] Revenue Form 62A405, "Notice of Sale of Tax Bill", shall be sent by the county attorney to the owner of real property to notify that a certificate of delinquency has been issued against the property.

(128)[~~(116)~~] Revenue Form 62A500(P), "2008[~~2007 Tangible~~] Personal Property Tax Forms and Instructions[~~Return~~]", contains Revenue Form 62A500 and filing instructions for[~~shall be filed by~~] owners or lessees of tangible personal property[~~, with either the property valuation administrator of the county of taxable situs or with the Department of Revenue,~~] reporting taxpayer information, original cost of tangible property and reported value of tangible property with either the property valuation administrator of the county of taxable situs or with the Department of Revenue

(129)[~~(117)~~] Revenue Form 62A500-A, "2008[~~2007~~] Tangible Personal Property Tax Return (Aircraft Assessments Only)", shall be filed by owners or lessees of aircraft not used for commercial purposes, with either the property valuation administrator of the county of taxable situs or with the Department of Revenue, reporting the federal registration number, make and model, and taxpayer's value for each aircraft.

(130)[~~(118)~~] Revenue Form 62A500-C, "Consignee Tangible Personal Property Tax Return", shall be filed by persons in possession of consigned inventory, that has not been reported on Revenue Form 62A500, with either the property valuation administrator of the county of taxable situs or the Department of Revenue, reporting consignor information and consigned inventory information.

(131)[~~(119)~~] Revenue Form 62A500-L, "Lessee Tangible Personal Property Tax Return", shall be filed by lessees of tangible personal property who did not list the property on Revenue Form 62A500, with either the property valuation administrator of the county of taxable situs or with the Department of Revenue, reporting lessor information and equipment information.

(132)[~~(120)~~] Revenue Form 62A500-S1, "Dealer's Inventory Listing for Line 34 Tangible Personal Property Tax Return", shall be filed by automobile dealers, dealers with new boat and marine equipment held under a floor plan or dealers with new farm machinery held under a floor plan with the Property Valuation Administrator of each county of taxable situs or with the Department of Revenue, containing a detailed listing of property reported on line 34 of the Tangible Personal Property Tax Return.

(133)[~~(121)~~] Revenue Form 62A500-W, "2008[~~2007~~] Tangible Personal Property Tax Return (Documented Watercraft)", shall be filed by owners or lessees of documented vessels not used for commercial purposes, with either the property valuation administrator of the county of taxable situs or with the Department of Revenue, reporting the coast guard number, make and model and taxpayer's value for each watercraft.

(134)[~~(122)~~] Revenue Form 62A600, "Domestic Savings and Loan Tax Return", shall be filed with the Department of Revenue by savings and loans operating solely in Kentucky, reporting the balances in their capital accounts.

(135)[~~(123)~~] Revenue Form 62A601, "Foreign Savings and Loan Tax Return", shall be filed with the Department of Revenue by foreign savings and loans authorized to do business in this state, reporting the balances in their capital accounts.

(136)[~~(124)~~] Revenue Form 62A601-S2, "Schedule B, Computation of Exempt Securities", shall be filed with the Department of Revenue, by taxpayers filing Revenue Form 62A600 or 62A601, reporting the market value of U. S. government securities.

(137)[~~(125)~~] Revenue Form 62A850, "Bank Deposits Tax Return", shall be filed with the Department of Revenue by financial institutions, reporting the amount of its deposits as of the preceding January 1.

(138)[~~(126)~~] Revenue Form 62A862, "Certification of Tax Rate for Bank Deposits Franchise Tax", shall be filed by the local taxing district with the Department of Revenue to notify the Department of Revenue of the rate set on bank deposits.

(139)[~~(127)~~] Revenue Form 62A863, "Financial Institutions Local Deposits Summary Report", shall be filed with the Department of Revenue, by financial institutions, reporting all deposits located within the state as of the preceding June 30, along with a copy of the most recent summary of deposits filed with the Federal Deposit Insurance Corporation.

(140)[~~(128)~~] Revenue Form 62A863-A, "Schedule A, Summary of Deposits", shall be filed with the Department of Revenue, by financial institutions filing Revenue Form 62A863, to summarize deposits.

(141) [~~(129) Revenue Form 62A872, "Intangible Property Assessment Notice for Prepayment of Estates", shall be sent by the Department of Revenue to the taxpayer notifying him of the assessed value of intangible property in the settlement of an estate.~~

~~(130)~~] Revenue Form 62A880, "Personal Property Assessment", shall be sent by the Department of Revenue to the owner of omitted personal property notifying him of the value assessed by the department as well as all applicable penalties and interest.

(142)[~~(131)~~] Revenue Form 62B003, "Unmined Coal Notice of Tax Assessment", shall be sent by the Department of Revenue to the taxpayer notifying him of the value of his interest in unmined coal property

(143)[~~(132)~~] Revenue Form 62B011, "2007[~~2006~~] Limestone, Sand, or Gravel Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him of the value of his interest in limestone, sand or gravel property.

(144)[~~(133)~~] Revenue Form 62B012, "2007[~~2006~~] Oil Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him of the value of his interest in oil property.

(145)[~~(134)~~] Revenue Form 62B013, "2007 Clay[~~2006 Property~~] Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him of the value of his interest in clay property.

(146)[~~(135)~~] Revenue Form 62B015, "2007[~~2006~~] Gas Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him of the value of his interest in gas property.

(147)[~~(136)~~] Revenue Form 62F003, "Appeals Process for Real Property Assessments", shall be an informational brochure on the procedure to follow to appeal an assessment on real property.

(148)[~~(137)~~] Revenue Form 62F015, "PVA Open Records Commercial Fee Guidelines", shall be used by the PVA to establish fees to be charged for the cost of reproduction, creation, or other acquisition of records.

(149)[~~(138)~~] Revenue Form 62F020, "Deeds/Transfers and Property Taxes", shall be an informational brochure on Kentucky's property tax system, sales and transfers of property and the requirements for preparing a deed.

(150)[~~(139)~~] Revenue Form 62F031, "Appeal to Local Board of Assessment Appeals", shall be filed with the county clerk by any taxpayer who wishes to appeal his assessment on real property.

(151)[~~(140)~~] Revenue Form 62F1341, "Exemptions Allowed for Savings and Loans, Savings Banks and Similar Institutions for Intangible Property Tax Purposes", shall inform taxpayers, subject to intangible property tax on the value of their capital stock, of those institutions which issue obligations that are exempt from state ad valorem taxation.

Section 2. Severance Taxes - Required Forms. (1) Revenue Form 55A001, "Application for Certificate of Registration for Coal Severers and/or Processors" shall be used by the Department of Revenue to register businesses that sever or process coal

(2) Revenue Form 55A003, "Certificate of Registration-Severance Taxes", shall be used by the Department of Revenue to register coal severance taxpayers.

(3) Revenue Form 55A004, "Coal Severance Tax Seller's Certificate", shall be filed by the taxpayer to verify purchase coal deductions.

(4) Revenue Form 55A100, "Coal Tax Return", shall be filed monthly by the taxpayer to report production and tax due.

(5) Revenue Form 55A100, "Part IV & V" - "Schedule IV of Coal Sales (Continuation)", shall be used by the taxpayer to report additional coal sales if there is not room on the return. "Part V, Schedule for Thin Seam Coal Tax Credit", shall be used by the taxpayer to apply for tax credit for underground mining of thin coal seams.

(6) Revenue Form 55A101, "Coal Tax Return Instructions", shall be included with the coal tax return mailed to the taxpayer to assist in the completion of his return.

(7) Revenue Form 55A131, "Credit Memorandum", shall be used by the department to issue a credit to the taxpayer for an overpayment rather than a refund.

(8) Revenue Form 55A209, "Severance Tax Refund Application", shall be used by the taxpayer for the purpose of requesting a refund of tax overpaid.

(9) Revenue Form 56A001, "Application for Certificate of Registration Minerals and Natural Gas Tax", shall be used by persons dealing in minerals, natural gas or natural gas liquids who wish to register with the Department of Revenue to acquire an account number.

(10) Revenue Form 56A100, "Natural Gas and Natural Gas Liquids Tax Return", shall be used by registered natural gas and natural gas liquids taxpayers monthly to report production and tax due.

(11) Revenue Form 56A101, "Minerals Tax Return", shall be used by registered mineral taxpayers monthly to report production and tax due.

(12) Revenue Form 56A106, "Minerals Tax Certificate of Exemption", shall be used by mineral taxpayers to claim exemptions from minerals tax for minerals purchased for the maintenance of a privately maintained but publicly dedicated road.

(13) Revenue Form 56A107, "Schedule A, Allocation of Gross Value of Minerals Severed in Kentucky and Schedule B, Minerals Purchased from Others for Processing by Taxpayer", shall be used by mineral taxpayers to compute gross value of minerals to be allocated and to show the allocation by county of the gross value of minerals severed in Kentucky and also shall be used by a taxpayer for showing minerals that are purchased from others for processing by the taxpayer.

(14) Revenue Form 56A108, "Schedule A, Gross Value of Natural Gas Sold to Nonconsumers and Schedule B, Taxable Gross Value of Natural Gas and Natural Gas Liquids Extracted in Kentucky by Taxpayer - Allocation", shall be used by natural gas taxpayers to show details of all natural gas extracted in Kentucky and sold to nonconsumers and also shall be used by natural gas taxpayers to allocate the natural gas to the county or counties where the natural gas or natural gas liquids were located prior to extraction.

(15) Revenue Form 56A109, "Schedule C, Natural Gas First Purchased by Taxpayer From Kentucky Producers", shall be used by natural gas taxpayers who are first purchasers of natural gas to

show gross value by county or counties from which the natural gas was extracted.

(16) Revenue Form 56A110, "Minerals Tax Return Attachment, Schedule C, Computation of Clay Severed and Processed in Kentucky and Allocation of Tax Attributable to Clay", shall be used by mineral taxpayers that sever clay to compute tax due.

(17) Revenue Form 56A112, "Crude Petroleum Transporter's Monthly Report, Kentucky Oil Production Tax", shall be used by registered crude petroleum transporter's for reporting gross value and tax due.

(18) Revenue Form 56A113, "Minerals Tax Credit for Limestone Sold in Interstate Commerce", shall be used by mineral taxpayers for the purpose of determining the eligibility for the minerals tax credit.

(19) Revenue Form 56A114, "Crude Petroleum Transporter's Application for Registration", shall be used by crude petroleum transporters who wish to acquire an account number with the Kentucky Department of Revenue.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Property tax - referenced material:

1. Revenue Form 61A200(P), "Property Tax Forms and Instructions for Public Service Companies 2008"[, ~~"Public Service Company Property Tax Return 2006"~~], November, 2007[~~2006~~];

2 Revenue Form 61A200(A), "Report of Total Unit System and Kentucky Operations", November, 2007[~~2006~~];

3. Revenue Form 61A200(B), "Report of Kentucky Vehicles, Car Lines and Watercraft", November, 2007[~~2006~~];

4. Revenue Form 61A200(C), "Report of Total Unit Operations Balance Sheet", November, 2007[~~2006~~];

5. Revenue Form 61A200(D), "Report of Total Unit Operations Income Statement", November, 2007[~~2006~~];

6. Revenue Form 61A200(E), "Filing Extension Application", November, 2007[~~2006~~];

7. Revenue Form 61A200(G), "Report of Capital Stocks", November, 2007[~~2006~~],

8. Revenue Form 61A200(H), "Report of Funded Debt", November, 2007[~~2006~~];

9. Revenue Form 61A200(I), "Business Summary by Taxing Jurisdiction", November, 2007[~~2006~~];

10. Revenue Form 61A200(J), "Property Summary by Taxing Jurisdiction, Operating and Nonoperating Property", November, 2007[~~2006~~];

11. Revenue Form 61A200(K), "Operating Property Listing by Taxing Jurisdiction", November, 2007[~~2006~~];

12. Revenue Form 61A200(K2), "Nonoperating/Nonutility Property Listing by Taxing Jurisdiction", November, 2007[~~2006~~];

13. Revenue Form 61A200(L), "Report of Allocation Factors, Operating and Noncarrier Property for all Interstate Companies", November, 2007[~~2006~~],

14. Revenue Form 61A200(M), "Report of Property and Business Factors for Interstate Railroad and Sleeping Car Companies", November, 2007[~~2006~~];

15. Revenue Form 61A200(N), "Report of Leased Real Property, Kentucky Operating Leases", November, 2007[~~2006~~];

16 Revenue Form 61A200(O), "Railroad Private Car Mileage Report", November, 2007[~~2006~~];

17. Revenue Form 61A200(Q), "Supplemental Report of Operations for Contained and Residential Landfills", November, 2007[~~2006~~];

18 Revenue Form 61A200(R), "Report of Property Subject to the Pollution Control Tax Exemption", November, 2007[~~2006~~],

19. Revenue Form 61A200(S), "Filing Requirements for Commercial Passenger and Cargo Airlines", November, 2007[~~2006~~],

20. Revenue Form 61A200(U), "Industrial Revenue Bond Property", November, 2007[~~2006~~];

21. Revenue Form 61A202, "2008[~~2007~~] Public Service Company Property Tax Return for Railroad Car Line", November, 2007[~~2006~~];

22. Revenue Form 61A207(P), "Commercial [~~,2007 Nonresident~~] Watercraft Personal Property Tax Return 2008", November, 2007[~~2006~~];

23. Revenue Form 61A207(A), "Report of Owned Vessels in Your Possession", November, 2007;

24. Revenue Form 61A207(B), "Report of Owned Vessels in Possession of Others", November, 2007;

25 61A207(C), "Report of Nonowned Vessels in Your Possession", November, 2007;

26 61A207(D), "Valuation Worksheet", November, 2007;

27. 61A207(E), "Report of Kentucky Route Miles", November, 2007;

28 61A207(F), "Report of System Route Miles", November, 2007;

29 [~~23.~~] Revenue Form 61A209, "Public Service Company Sales", November, 2007[~~2006~~];

30 [~~24.~~] Revenue Form 61A211, "Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs", November, 2007[~~2006~~];

31 [~~25.~~] Revenue Form 61A211(I), "Instructions for Enclosed Form 61A211", November, 2007[~~2006~~];

32 [~~26.~~] Revenue Form 61A230, "Notice of Assessment", August, 2007[~~2006~~],

33.[~~27.~~] Revenue Form 61A240, "Notice of Assessment", August, 2007[~~2006~~];

34 [~~28.~~] Revenue Form 61A250, "Notice of Assessment", August, 2007[~~2006~~];

35.[~~29.~~] Revenue Form 61A255, "Public Service Company Property Tax Statement", January, 2006;

36. Revenue Form 61A255(I) "Instructions for 61A255, Public Service Company Property Tax Statement" January, 2006;

37 [~~30.~~] Revenue Form 61A500(P), "2008[~~2007 Tangible~~] Personal Property Tax Forms and Instructions[~~Return~~] for Communication Service Providers and Multichannel Video Program Service Providers", November, 2007[~~2006~~];

38.[~~31.~~] Revenue Form 61A500(H), "Report of Total Personal Tangible Property in Kentucky", November, 2007[~~2006~~],

39 [~~32.~~] Revenue Form 61A500(I), "Summary of Gross Personal Tangible Property Listing by Taxing District", November, 2007[~~2006~~],

40 [~~33.~~] Revenue Form 61A500(J), "Summary of Reported Personal Tangible Property Listing by Taxing District", November, 2007[~~2006~~];

41 [~~34.~~] Revenue Form 61A500(K), "Personal Tangible Property Listing by Taxing District.", November, 2007[~~2006~~];

42 [~~35.~~] Revenue Form 61A507, "Nonresident Watercraft Property Tax Statement", January, 2006;

43.[~~36.~~] Revenue Form 61A508, "Annual Report of Distilled Spirits in Bonded Warehouse", November, 2007[~~2005~~];

44 [~~37.~~] Revenue Form 61A508-S1, "Schedule 1 Department of Property Valuation Cost of Production Schedule", November, 2007[~~2005~~];

45 [~~38.~~] Revenue Form 61A508-S2, "Schedule 2 Department of Property Valuation Storage Cost Schedule", November, 2007[~~2005~~];

46 [~~39.~~] Revenue Form 61A508-S3, "Schedule 3 Schedule of Bulk Sales", November, 2007[~~2005~~];

47.[~~40.~~] Revenue Form 61A508-S4, "Schedule 4", November, 2007[~~2005~~];

48. Revenue Form 61A508-S5, "Schedule 5", November 2007;

49 [~~41.~~] Revenue Form 61A509, "Distilled Spirits or Telcoms Property Tax Statement", January, 2006;

50 [~~42.~~] Revenue Form 61F007, "Notification for Protesting Your Assessment (Commercial Watercraft)", August, 2006,

51 [~~43.~~] Revenue Form 61F008, "Notification for Protesting Your Assessment (Railroad Car Lines)", August, 2007[~~2006~~];

52 [~~44.~~] Revenue Form 61F009, "Notification for Protesting Your Assessment", August, 2007[~~2006~~];

53 [~~45.~~] Revenue Form 61F010, "Notification for Protesting Your Assessment (Distilled Spirits)", August, 2007[~~2006~~];

54 [~~46.~~] Revenue Form 62A007, "Motor Vehicle Tax and/or Registration Renewal Notice", 2006;

55 [~~47.~~] Revenue Form 62A007S, "Motor Vehicle/Boat Property Tax - Second Notice", 2006,

56 [~~48.~~] Revenue Form 62A008, "Motor Vehicle Tax Notice", 2006,

57.[~~49.~~] Revenue Form 62A009, "Map Sales Invoice", July, 2006;

58 [~~50.~~] Revenue Form 62A010, "Notice for Boat Transfer", 2006;

59 [~~51.~~] Revenue Form 62A013, "Application for Assessment Moratorium Certificate", September, 1982;

60 [~~52.~~] Revenue Form 62A015, "Motor Vehicle and Watercraft Property Tax Rate Certification", 2008[~~2006~~];

61.[~~53.~~] Revenue Form 62A016, "Quietus", 1999;

62.[~~54.~~] Revenue Form 62A017, "County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills", 1999;

63 [~~55.~~] Revenue Form 62A018, "School Taxing Jurisdiction - Motor Vehicle and Watercraft Property Tax Rate", 1999,

64 [~~56.~~] Revenue Form 62A019, "Distributions of Ad Valorem Tax to the Fiscal Courts", 1999;

65 [~~57.~~] Revenue Form 62A020, "Intercounty Property Tax Collections", 1999;

66 [~~58.~~] Revenue Form 62A023, "Application for Exemption from Property Taxation", December, 2007[~~September, 2005~~];

67.[~~59.~~] Revenue Form 62A023-R, "Application for Exemption from Property Taxation for Religious Organizations", December, 2007[~~September, 2005~~];

68.[~~60.~~] Revenue Form 62A030, "Request for Reproduction of PVA Public Records", February, 2006;

69 [~~61. Revenue Form 62A037, "Mail Back Card Department of Property Valuation", April, 1998;~~

~~62. Revenue Form 62A039, "Mail Back Card Department of Property Valuation for Mobile Manufactured Home", February, 2000,~~

~~63.~~] Revenue Form 62A044, "Affidavit for Correction/Exoneration of Motor Vehicle/Boat Property Tax", December, 2005;

70 [~~64.~~] Revenue Form 62A200(P), "2008[~~2007~~] Unmined Coal Property Tax Information Return", December, 2007[~~2006~~];

71 [~~65.~~] Revenue Form 62A200, "Schedule A Fee Property Ownership", December, 2007[~~2006~~];

72 [~~66.~~] Revenue Form 62A200, "Schedule B Mineral Property Ownership (Coal Only)", December, 2007[~~2006~~];

73 [~~67.~~] Revenue Form 62A200, "Schedule C Leased Property", December, 2007[~~2006~~];

74.[~~68.~~] Revenue Form 62A200, "Schedule D Property or Stock Transfers", December, 2007[~~2006~~];

75 [~~69.~~] Revenue Form 62A200, "Schedule E Lease Terminations, Transfers or Assignments", December, 2007[~~2006~~];

76.[~~70.~~] Revenue Form 62A200, "Schedule F Farm Exception to Unmined Minerals Tax", December, 2007[~~2006~~],

77 [~~71.~~] Revenue Form 62A200, "Schedule G Geological Information by County", December, 2007[~~2006~~];

78 [~~72.~~] Revenue Form 62A302, "Request for Information for Local Board of Tax Appeals", September, 2005;

79.[~~73.~~] Revenue Form 62A304, "Property Valuation Administrator's Recapitulation of Real Property Tax Roll", December, 2007[~~August, 2005~~];

80 [~~74.~~] Revenue Form 62A305, "Property Valuation Administrator's Summary of Real Property Tax Roll Changes", December, 2007[~~August, 2005~~];

81 [~~75.~~] Revenue Form 62A307, "Property Owner Conference Record", September, 2005;

82 [~~76.~~] Revenue Form 62A323, "Record of Additions and Deletions", December, 2007[~~August, 2005~~];

83.[~~77.~~] Revenue Form 62A329, "Annual Report of Domestic Life Insurance Companies", November, 2007[~~September, 2004~~],

84 [~~78.~~] Revenue Form 62A350, "Application for Exemption Under the Homestead/Disability Amendment", September, 2005;

85 [~~79.~~] Revenue Form 62A352, "Notice to Real Property Owner of Assessment by Property Valuation Administrator", April, 2005;

86.[~~80.~~] Revenue Form 62A353, "Notice of Listing of Omitted Real Property", September, 2005,

87 [~~81.~~] Revenue Form 62A354, "Notice to Property Owner of Final Decision of Board of Assessment Appeals", August, 2006;

88 [~~82.~~] Revenue Form 62A359, "Sheriff's Report of Tax Claims Purchased for Taxing Districts", February, 2006;

89 [~~83.~~] Revenue Form 62A359-A, "Certification", December, 2007[~~February, 2006~~];

90 [~~84.~~] Revenue Form 62A360, "Order Correcting Erroneous Assessment"; January, 2008[~~July, 2006~~];

91.[~~85.~~] Revenue Form 62A362, "Sheriff's Report of Delinquent Taxpayers", February, 2006;

92 [~~86.~~] Revenue Form 62A362-A, "Certification", December, 2007[~~February, 2006~~];

93 Revenue Form 62A363, "County Clerk's Claim for Preparing Tax Bills", December, 2007;

94 [~~87.~~] Revenue Form 62A363-B, "County Clerk's Claim for Preparing Omitted Tax Bills", December, 2007[~~February, 2006~~];

95. Revenue Form 62A364, County Clerk's Monthly Report of Omitted Assessments", February, 2006;

96.[~~88.~~] Revenue Form 62A365, "Nonresidency Affidavit", December, 2007[~~November, 2002~~],

97 [~~89.~~] Revenue Form 62A366, "Order Correcting Erroneous Assessment", September, 2005;

98 [~~90.~~] Revenue Form 62A366-D, "Order Correcting Erroneous Delinquent Assessment", December, 2007[~~August, 2005~~],

99 [~~91.~~] Revenue Form 62A366R, "Exoneration Form for Property Tax Refund", September, 2005;

100 [~~92.~~] Revenue Form 62A367, "Authorization for Preparing Additional/Supplemental Property Tax Bills", December, 2007[~~February, 2005~~];

101 [~~93.~~] Revenue Form 62A367-A, "Instructions for Preparation of Additional/Supplemental Tax Bills and Official Receipt", December, 2007[~~September, 2005~~];

102 [~~94.~~] Revenue Form 62A368-A, "County Clerk's Monthly Report of Delinquent Tax Collections", February, 2006;

103 [~~95.~~] Revenue Form 62A368-B, "County Clerk's Monthly Report of Delinquent Tax Collections", February, 2006;

104 [~~96.~~] Revenue Form 62A369, "County Clerk's Monthly Report of Delinquent Tax Collections", February, 2006;

105 Revenue Form 62A369-A, "County Clerk's Monthly Report of Delinquent Tax Collections", February, 2006;

106 [~~97.~~] Revenue Form 62A372, "Sheriff's List of Orders Correcting Erronerous Assessments", February, 2006;

107 [~~98.~~] Revenue Form 62A372-A, "Certification", February, 2006;

108 [~~99.~~] Revenue Form 62A378, "Report of Location of Mobile Homes", September, 2005;

109 [~~100.~~] Revenue Form 62A379, "Listing of Omitted Real Property", December, 2007[~~February, 2006~~];

110 [~~101.~~] Revenue Form 62A384C, "Clay Property Tax Return", January, 2008[~~2007~~];

111 [~~102.~~] Revenue Form 62A384C-(I), "Instructions to Complete Clay Property Tax Return for 2008[~~2007~~] Tax Year", January, 2008[~~2007~~];

112 [~~103.~~] Revenue Form 62A384-G, "Natural Gas Property Tax Return", January, 2008[~~2006~~];

113.[~~104.~~] Revenue Form 62A384-G/O(I), "Instructions for Gas and Oil Property Tax Returns", January, 2008[~~2006~~];

114 [~~105.~~] Revenue Form 62A384L, "Limestone and Sand and Gravel Property Tax Return", January, 2008[~~2006~~];

115.[~~106.~~] Revenue Form 62A384-O, "Oil Property Tax Return Lease Report", January, 2008[~~2006~~],

116.[~~107.~~] Revenue Form 62A385, "Sheriff's Official Receipt for Property Tax Bills", February, 2006;

117 [~~108.~~] Revenue Form 62A385-A, "Sheriff's Receipt for Unpaid and Partially Paid Tax Bills", February, 2006;

118 Revenue Form 62A393, "Sheriff's Property Tax Account Statement", February, 2006;

119. Revenue Form 62A393-A, "Incoming Sheriff's Property Tax Account Statement", February, 2006;

120. Revenue Form 62A393-B, "Outgoing Sheriff's Property Tax Account Statement", February, 2006,

121 [~~109.~~] Revenue Form 62A394, "Sheriff's Monthly Report of Property Tax Collections", February, 2006;

122.[~~110.~~] Revenue Form 62A394-MV, "County Clerk's Monthly Report of Motor Vehicle Property Tax Collections", September, 2007[~~January, 2000~~];

123 [~~111.~~] Revenue Form 62A398, "Property Valuation Administrator's Bond", November, 2006;

124 [~~112.~~] Revenue Form 62A399, "Notice to Appear in Circuit Court", August, 1983;

125.[~~113.~~] Revenue Form 62A400, "Notice of Distraint", Au-

gust, 1983;

126 [~~114.~~] Revenue Form 62A401, "Final Notice Before Distraint", August, 1983;

127.[~~115.~~] Revenue Form 62A405, "Notice of Sale of Tax Bill", October, 1991;

128 [~~116.~~] Revenue Form 62A500(P), "2008[~~2007 Tangible~~] Personal Property Tax Forms and Instructions[~~Return~~]", November, 2007[~~2006~~];

129.[~~117.~~] Revenue Form 62A500-A, "2008[~~2007~~] Tangible Personal Property Tax Forms and Instructions Return (Aircraft Assessments Only)", November, 2007[~~2006~~],

130 [~~118.~~] Revenue Form 62A500-C, "Consignee Tangible Personal Property Tax Return", November, 2007[~~2006~~];

131 [~~119.~~] Revenue Form 62A500-L, "Lessee Tangible Personal Property Tax Return", November, 2007[~~2006~~];

132.[~~120.~~] Revenue Form 62A500-S1, "Dealer's Inventory Listing for Line 34 Tangible Personal Property Tax Return", October, 2007[~~2005~~],

133 [~~121.~~] Revenue Form 62A500-W, "2008[~~2007~~] Tangible Personal Property Tax Return (Documented Watercraft)", November, 2007[~~2006~~];

134.[~~122.~~] Revenue Form 62A600, "Domestic Savings and Loan Tax Return", November, 2007[~~2006~~];

135 [~~123.~~] Revenue Form 62A601, "Foreign Savings and Loan Tax Return", November, 2007[~~2006~~];

136 [~~124.~~] Revenue Form 62A601-S2, "Schedule B, Computation of Exempt Securities", November, 2007[~~September, 2004~~];

137.[~~125.~~] Revenue Form 62A850, "Bank Deposits Tax Return", November, 2007[~~2006~~];

138 [~~126.~~] Revenue Form 62A862, "Certification of Tax Rate for Bank Deposits Franchise Tax", November, 2007[~~September, 2004~~];

139 [~~127.~~] Revenue Form 62A863, "Financial Institutions Local Deposits Summary Report", November, 2007[~~2006~~];

140 [~~128.~~] Revenue Form 62A863-A, "Schedule A, Summary of Deposits", November, 2007[~~September, 2004~~];

141.[~~129. Revenue Form 62A872, "Intangible Property Assessment Notice for Prepayment of Estates", March, 1999;~~

~~130.~~] Revenue Form 62A880, "Personal Property Assessment", October[~~February~~], 2004;

142.[~~131.~~] Revenue Form 62B003, "Unmined Coal Notice of Tax Assessment", November, 2007[~~July, 2004~~];

143 [~~132.~~] Revenue Form 62B011, "2007[~~2006~~] Limestone, Sand, or Gravel Assessment Notice", July, 2006;

144 [~~133.~~] Revenue Form 62B012, "2007[~~2006~~] Oil Assessment Notice", July, 2006;

145.[~~134.~~] Revenue Form 62B013, "2007[~~2006~~] Clay[~~Property~~] Assessment Notice", July, 2006;

146 [~~135.~~] Revenue Form 62B015, "2007[~~2006~~] Gas Assessment Notice", July, 2006;

147 [~~136.~~] Revenue Form 62F003, "Appeals Process for Real Property Assessments", October, 2007[~~January, 2005~~];

148.[~~137.~~] Revenue Form 62F015, "PVA Open Records Commercial Fee Guidelines", May, 2002;

149 [~~138.~~] Revenue Form 62F020, "Deeds/Transfers and Property Taxes", January, 1999;

150 [~~139.~~] Revenue Form 62F031, "Appeal to Local Board of Assessment Appeals", February, 2006; and

151.[~~140.~~] Revenue Form 62F1341, "Exemptions Allowed for Savings and Loans, Savings Banks and Similar Institutions for Intangible Property Tax Purposes", November, 2007[~~September, 2004~~]; and

(b) Severance taxes - referenced material:

1. Revenue Form 55A001, "Application for Certificate of Registration for Coal Severers and/or Processors", December, 2006;

2. Revenue Form 55A003, "Certificate of Registration - Severance Taxes", December, 2006,

3. Revenue Form 55A004, "Coal Severance Tax Seller's Certificate", January, 2005;

4 Revenue Form 55A100, "Coal Tax Return", July, 2004,

5. Revenue Form 55A100, "Part IV - Schedule of Coal Sales (Continuation)" and "Part V - Schedule for Thin Seam Coal Tax Credit", August, 2005,

6. Revenue Form 55A101, "Coal Tax Return Instructions", August, 2005;

7. Revenue Form 55A131, "Credit Memorandum", December, 2006,

8 Revenue Form 55A209, "Severance Tax Refund Application", December, 2006;

9. Revenue Form 56A001, "Application for Certificate of Registration Minerals and Natural Gas Tax", October, 1984;

10 Revenue Form 56A100, "Natural Gas and Natural Gas Liquids Tax Return", July, 2004;

11. Revenue Form 56A101, "Minerals Tax Return", July, 2004;

12. Revenue Form 56A106, "Minerals Tax Certificate of Exemption", December, 2006;

13. Revenue Form 56A107, "Schedule A, Allocation of Gross Value of Minerals Severed in Kentucky and Schedule B, Minerals Purchased from Others for Processing by Taxpayer", January, 2005;

14. Revenue Form 56A108, "Schedule A, Gross Value of Natural Gas Sold to Nonconsumers and Schedule B, Taxable Gross Value of Natural Gas and Natural Gas Liquids Extracted in Kentucky by Taxpayer - Allocation", March, 2005;

15. Revenue Form 56A109, "Schedule C, Natural Gas First Purchased by Taxpayer from Kentucky Producers", January, 2005;

16. Revenue Form 56A110, "Minerals Tax Return Attachment, Schedule C Computation of Clay Severed and Processed in Kentucky and Allocation of Tax Attributable to Clay", March, 2005;

17. Revenue Form 56A112, "Crude Petroleum Transporter's Monthly Report, Kentucky Oil Production Tax", July, 2004;

18. Revenue Form 56A113, "Minerals Tax Credit for Limestone Sold in Interstate Commerce", November, 1997; and

19. Revenue Form 56A114, "Crude Petroleum Transporter's Application for Registration", December, 2006.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Revenue, 501 High Street[~~200 Fair Oaks Lane~~], Frankfort, Kentucky 40620,[~~or at any Kentucky Department of Revenue Taxpayer Service Center,~~] Monday through Friday, 8 a.m to 5 p.m.

WILLIAM M. COX, Sr., Commissioner

APPROVED BY AGENCY: February 15, 2008

FILED WITH LRC: February 19, 2008 at 10 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed amended administrative regulation shall be held on April 22, 2008 at 10 a.m. in Room 386, Capitol Annex Building, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing at least five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend this hearing is received by the required date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on this proposed amended 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 the proposed amended administrative regulation. Written comments shall be accepted through April 30, 2008. Send written notification of intent to be heard at the public hearing or written comments on the proposed amended administrative regulation to the contact person noted below.

CONTACT PERSON: Angela Robinson, Finance and Administration, Room 093 Capital Annex, Frankfort, Kentucky 40601, phone (502) 564-8649, fax (502) 564-3894.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Angela Robinson

(1) Provide a brief summary of.

(a) What this administrative regulation does: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required revenue forms used in the administration of Property and Severance Taxes by the Department of Revenue.

(b) The necessity of this administrative regulation: This admin-

istrative regulation is necessary in order for the Department of Revenue to meet the requirements of KRS 13A.110 which requires that forms required to be submitted by a regulated entity shall be included in an administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference This administrative regulation incorporates by reference the required revenue forms used in the administration of Property and Severance Taxes by the Department of Revenue.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation incorporates by reference the required forms used in the administration of Property and Severance Taxes by the Department of Revenue

(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: This amendment contains tax forms to be used for tax year 2008.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update tax forms for the tax year 2008.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 131.130(3) authorizes the Department of Revenue to prescribe tax forms necessary for the administration of the tax laws.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide taxpayers with the necessary tax forms to file and pay personal tangible and public service property taxes for tax years beginning in 2008.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All Kentucky taxpayers and their representatives will be affected by the listing of forms administered by the Department of Revenue in an administrative regulation. Local government will be affected to the extent they utilize forms administered by the Department of Revenue. The Department of Revenue will be affected to the extent that it administers the referenced forms

(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. As forms are changed, the manuals and the Department of Revenue Website in which copies of all forms listed in this regulation are maintained will be updated.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional costs will be incurred by complying with the regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All taxpayers and the administering agencies will benefit by having access to a centralized listing of the most current forms in use

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

(a) Initially: The Department of Revenue will not incur additional cost as the result of this regulation

(b) On a continuing basis: The Department of Revenue will not incur additional costs as the result of this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Department of Revenue agency funds.

(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: This administrative regulation does not require an increase in fees or funding

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or increase any fees either directly or indirectly.

(9) TIERING: Is tiering applied? Tiering was not applied because the requirements of this regulation apply to every taxpayer.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Finance and Administration Cabinet, Department of Revenue, Office of Property Valuation, Division of Local Valuation, Division of State Valuation and Division of Mineral/GIS Services. The division level shall be responsible for the creation and updating of forms.

3 Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 131.130(1)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No change.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No change.

(c) How much will it cost to administer this program for the first year? The administrative cost will be absorbed in the normal operating cost of the department.

(d) How much will it cost to administer this program for subsequent years? The same administrative cost will be absorbed in the normal operating budget of the department

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

GENERAL GOVERNMENT CABINET
Board Of Nursing
(Amendment)

201 KAR 20:110. Licensure by endorsement.

RELATES TO: KRS 194A 540, 314 031(4), 314.041(7), 314.051(8), 314.101(4), 314.103, 314.470

STATUTORY AUTHORITY: KRS 314.041(7), 314.051(8), 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations to implement the provisions of KRS 314.011 to 314.991, 314.041(7), and 314.051(8) authorize the board to issue a license to practice nursing as a registered nurse or a licensed practical nurse to an applicant who has passed the required examination or its equivalent and who was licensed to practice nursing in another jurisdiction. KRS 314.101(4) authorizes the board to issue a temporary work permit to a person who has completed the requirements for, applied for, and paid the fee for licensure by endorsement. This administrative regulation establishes the requirements for licensure by endorsement and establishes the requirements for a temporary work permit for an applicant to practice nursing while the application for a license is being processed.

Section 1. Eligibility for Licensure by Endorsement. (1) To be eligible for licensure by endorsement, an applicant shall:

(a)1. Have completed a state approved program of nursing equivalent to Kentucky requirements; or

2 Have completed that portion of a state-approved program of nursing that would be equivalent to a Kentucky program of nursing;

(b) Have taken and passed the State Board Test Pool Examination or National Council Licensure Examination or an examination that is consistent with Section 4 of this administrative regulation;

(c) Complete the application form, as required by 201 KAR 20:370, Section 1(1);

(d) Submit the current fee for a licensure application, as established by 201 KAR 20:240;

(e) Report each disciplinary action taken or pending on a license by another jurisdiction;

(f) Submit a certified copy of the court record of each misdemeanor or felony conviction and a letter of explanation that addresses each conviction as required by 201 KAR 20:370, Section 1(3);

(g) Request the U.S. jurisdiction or territory or foreign country of initial licensure to submit a verification of licensure by examination to the board which shall include the following information:

1.a. Name of the program of nursing completed and date of graduation, or

b. Name of the program of nursing attended and date of completion of the requirements for eligibility to take the licensure examination in that jurisdiction; and

2. A statement that the applicant's license has not been revoked, suspended, limited, probated or otherwise disciplined by the licensing authority and is not subject to disciplinary action,

(h) Meet the requirement for completion of an educational course on the human immunodeficiency virus and acquired immunodeficiency syndrome, as required by KRS 214.615;

(i) Submit a completed Federal Bureau of Investigation (FBI) Applicant Fingerprint Card and the fee required by the FBI; and

(j) Submit evidence of completion of the clinical internship as required by KRS 314 041, 314.051, and Section 5 of this administrative regulation, if applicable.

(2) An application shall be valid for a period of six (6) months, except as provided for in section 5 of this administrative regulation. The applicant shall:

(a) Submit a copy of a marriage certificate, divorce decree, Social Security card, or court order to change the applicant's name, if the applicant's name is changed after the original application is filed; and

(b) Notify the board in writing as soon as a new address is established after submitting the application.

(3) After six (6) months, the applicant shall:

(a) Submit a new application;

(b) Submit the current licensure application fee; and

(c) Meet the requirements established in this section.

(4) The applicant shall complete the three (3) hour continuing education course on domestic violence within three (3) years of licensure as required by KRS 194A.540.

Section 2. Nursing Practice and Continuing Education Requirements. (1) Except as provided in subsection (2) of this section, an applicant shall complete fourteen (14) contact hours in continuing education for each year since the last year in which the applicant can demonstrate at least 100 hours of practice[~~, with a minimum of twenty-eight contact hours of continuing education~~].

(2) The requirement established in subsection (1) of this section shall not apply to an applicant who:

(a) Has been licensed for less than five (5) years from the date of initial licensure; or

(b) Has been actively licensed and engaged in nursing practice for at least 500 hours during the preceding five (5) years; or

(c) Has not been engaged in nursing practice during the five (5) years preceding the date of the application. This applicant shall.

1. Complete a refresher course approved by the board, pursuant to 201 KAR 20:380. The refresher course shall have been completed within two (2) years of the date of the application, or

2. Complete at least 120 contact hours of continuing education earned within one (1) year of the date of the application.

(3) At least fourteen (14) [~~twenty-eight (28)~~] contact hours shall have been earned within the twelve (12) [~~twenty-four (24)~~] months preceding the date of application for active Kentucky licensure status.

(4) Continuing education earned more than five (5) years preceding the date of application shall not be counted toward meeting the requirements established in subsections (1) and (3) of this section.

Section 3. Temporary Work Permit. (1) An applicant for licensure by endorsement who meets the requirements of Section 1(1)(a) through (f) and (i) of this administrative regulation shall be issued a temporary work permit.

(2) A temporary work permit shall be valid for a period not to exceed six (6) months

(3) An individual who practices as a nurse in this state without a current temporary work permit prior to issuance of a current active license shall be considered to be practicing without a license in violation of KRS 314.031 and subject to the penalties listed in KRS 314 091 and 314 991.

Section 4. Licensing Examination Standards. An applicant who has taken an examination other than the State Board Test Pool Examination or the National Council Licensure Examination shall provide evidence to the board that the examination met the following standards of equivalency:

(1) Accepted psychometric procedures are used in the development of the examination;

(2) The examination is available to the board in the English language;

(3) The examination test plan blueprint is available for board review and adequately identifies test content and content weighting;

(4) Test items are available for board review and demonstrate the testing of competency necessary for safe practice;

(5) At least one (1) of the reliability estimates for the examination is 0.80 or higher;

(6) The examination is revised after each administration to insure currency and security of content; and

(7) The examination is given under strict security measures.

Section 5. Clinical Internship. This section shall apply to applicants as required by KRS 314 041(7) or 314.051(8).

(1)(a) An applicant shall request a provisional license by completing the application for licensure required by Section 1 of this administrative regulation

(b) The provisional license shall be issued when the applicant meets the requirements of Section 1(1)(a), (b), (d) through (h), and (i) of this administrative regulation.

(2) To be eligible for a clinical internship, the applicant shall hold a current provisional license.

(3) A provisional license shall expire six (6) months from the date of issuance by the board and shall not be reissued unless the provisions of subsection (4) of this section apply.

(4) A person with a temporary physical or mental inability to complete the clinical internship shall.

(a) Complete the "Petition To Hold Provisional License in Abeyance"; and

(b) Submit evidence from a licensed health care practitioner that documents a diagnosis of a temporary physical or mental inability to complete the internship within the original six (6) months.

(5)(a) If the "Petition To Hold Provisional License in Abeyance" is granted, the current provisional license shall be void and shall be immediately returned to the board.

(b) The person whose petition has been granted shall not engage in nursing practice.

(6)(a)1. A person whose petition has been granted shall submit a written request to the board to reissue the provisional license when the temporary physical or mental inability has been resolved.

2. The request shall include the name, address, telephone number, date of birth, and Social Security number of the person

3. The request shall also include written verification from a licensed health care practitioner that the temporary physical or mental inability has been resolved.

(b) Upon submission of the required documentation and approval by the board, the board shall reissue the provisional license for six (6) months.

(c) If the required documentation is submitted more than six (6) months from the date of the initial application for licensure, the person shall meet the requirements of Section 1 of this administrative regulation.

(7) Documentation of completion of the clinical internship shall be submitted to the board in writing or electronically. It shall include the following:

(a) Name, address, telephone number, Social Security number and date of birth of the applicant;

(b) Provisional license number;

(c) Name, address and telephone number of the facility where the clinical internship was completed; and

(d) Name of the supervising nurse.

(8) To qualify as "direct supervision" under KRS 314.041(5) and 314 051(6), the nurse responsible for the applicant shall at all times be physically present in the facility and immediately available to the applicant while the applicant is engaged in the clinical internship

(9) The nurse responsible for the applicant shall be currently licensed to practice as a nurse in Kentucky.

Section 6. Applicants for LPN license pursuant to KRS 314 041(14). An applicant for an LPN license pursuant to KRS 314 041(14) shall meet the requirements of this administrative regulation.

Section 7. Nurse Licensure Compact Provisions. (1) An applicant who is issued a license and does not have permanent residency in Kentucky shall be issued a license that indicates on the license that it is only valid in Kentucky.

(2) The board may request that an applicant provide evidence of his state of residence.

Section 8. Incorporation by Reference. (1) "Petition to Hold Provisional License in Abeyance", (8/04), Kentucky Board of Nursing, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, Monday through Friday, 8 a m. to 4:30 p m.

JIMMY ISENBERG, President

APPROVED BY AGENCY: February 14, 2008

FILED WITH LRC: March 5, 2008 at 11 a m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 22, 2008, at 10 a.m. (EST) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by April 15, 2008, 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 wishes to be heard 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 the proposed administrative regulation. Written comments shall be accepted until close of business April 30, 2008. 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: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 429-3309, fax (502) 696-3938, email nathan.goldman@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goldman, General Counsel

(1) Provide a brief summary of.

(a) What this administrative regulation does: It sets requirements for licensure by endorsement from another state.

(b) The necessity of this administrative regulation: The Board is required by statute to promulgate this administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By setting requirements

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By setting requirements.

(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: It changes the number of continuing education hours an applicant may need to reflect the fact that licenses are now issued annually and to be consistent with other administrative regulations.

(b) The necessity of the amendment to this administrative regulation: Since licensure is now annual, the amendment was needed to reflect this.

(c) How the amendment conforms to the content of the authorizing statutes: The board is required to set these requirements.

(d) How the amendment will assist in the effective administration of the statutes: By setting appropriate requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Applicants for licensure by endorsement, number unknown.

(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: They will have to provide the requested continuing education hours.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost associated with this change.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will be practicing properly.

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

(a) Initially: No additional cost.

(b) On a continuing basis: No additional cost.

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

(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 increase will be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: It does not.

(9) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Nursing.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.941, KRS 314 051, and KRS 314.131.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties,

fire departments, or school districts) for the first year? No revenue will be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated.

(c) How much will it cost to administer this program for the first year? This amendment will not require additional costs to administer.

(d) How much will it cost to administer this program for subsequent years? This amendment will not require additional costs to administer.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation:

GENERAL GOVERNMENT CABINET
Board Of Nursing
(Amendment)

201 KAR 20:161. Investigation and disposition of complaints.

RELATES TO: KRS 314.011(13), 314.031, 314.071(4), 314.091, 314.470, 314.991(3)

STATUTORY AUTHORITY: KRS 314 131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.191(1) establishes the standards for disciplinary action to be taken by the board for practices which violate the provisions of KRS Chapter 314. This administrative regulation establishes the procedures for the investigation and disposition of complaints received by the board.

Section 1. Receipt of Complaints. (1) The board shall receive and process each complaint made against any licensee, holder of a multistate licensure privilege pursuant to KRS 314.470, applicant or unlicensed individual if the complaint alleges acts which may be in violation of the provisions of KRS Chapter 314.

(2) All complaints shall be in writing and shall be dated and fully identify the individual by name. The president of the board or the executive director or his designee may file a complaint based upon information received by oral, telephone or written communications if the facts of the complaint are determined to be accurate and indicate acts which may be in violation of the provisions of KRS Chapter 314.

(3) A certified copy of a court record for a misdemeanor or felony conviction shall be considered a valid complaint.

(4) Complaints shall be investigated. The staff may request an informal conference with the individual against whom the complaint has been made.

(5) Complaints shall be evaluated to determine if an apparent violation of the provisions of KRS Chapter 314 has been committed. The credentials review panel, the executive director or his designee shall make the determination as to the disposition of the complaint pursuant to Section 2 of this administrative regulation.

(6)(a) All preliminary information shall be treated as confidential during the investigation and shall not be disclosed to board members or to the public, except as provided by KRS 314.470. However, the board shall make available to the public the fact that an investigation is pending.

(b) If a board member has participated in the investigation or has substantial knowledge of facts prior to a hearing on the complaint that may influence an impartial decision by the member, that member shall not participate in the adjudication of the complaint.

Section 2. Disposition of Complaints. (1) Disposition of complaints shall be as follows:

(a) The complaint may be filed away if there is a determination that there is insufficient evidence of a violation or that a violation has not occurred,

(b) The complaint may be referred to the credentials review panel of the board by the executive director or his designee for disposition pursuant to this section or for issuance of a letter of concern; or

(c) It may be determined that there is probable cause that a violation of KRS 314.091 has occurred. In cases involving practice as a nurse on the privilege pursuant to KRS 314.470, the case may be referred to the home state.

(2) Upon determination that there is probable cause that a violation of KRS 314.091 has occurred, the complaint shall be handled as follows:

(a) An administrative hearing may be scheduled pursuant to subsection (3) of this section; or

(b) An agreed order may be offered pursuant to subsection (4) of this section; or

(c) A consent decree may be offered, pursuant to subsection (5) of this section.

(3) Administrative hearings.

(a) Hearings shall be held pursuant to KRS 314.091, KRS Chapter 13B, and 201 KAR 20:162.

(b) Notice of the hearing and charges shall be mailed by certified mail to the address of the licensee or applicant on file with the board pursuant to KRS 314.107.

(c) Notice of the hearing and charges shall be signed by the executive director or his designee.

(4) Agreed order.

(a) The board may enter into an agreement with an individual for denial revocation, voluntary surrender, suspension, probation, reinstatement, limitation of license or reprimand, and to impose a civil penalty. The terms of the agreement may include other conditions or requirements to be met by the individual, including those listed in Section 4 of this administrative regulation.

(b) The agreed order may contain terms which insure protection of public health and safety, or which serve to educate or rehabilitate the individual.

(c) The agreed order when approved by the board shall terminate the investigation of a specific complaint.

(d) If the agreed order is not approved by the board, charges may be brought pursuant to KRS 314.091 and the matter resolved as directed therein.

(5) Consent decree.

(a) If an individual agrees to waive his right to a hearing, the board may issue a consent decree in accordance with the provisions of KRS 314.991 to impose a civil penalty and other terms and conditions as listed in Section 4 of this administrative regulation against an individual who has:

1. Practiced as a nurse in the Commonwealth of Kentucky without a temporary work permit, multistate licensure privilege pursuant to KRS 314.470, or a current license or provisional license issued by the board.

2. Practiced as an advanced registered nurse practitioner in the Commonwealth of Kentucky without current registration issued by the board prior to filing an application for registration.

3. Practiced as an advanced registered nurse practitioner after expiration of the current certification granted by the appropriate national organization or agency.

4. Qualified for a consent decree to cure noncompliance with continuing education requirements, as set forth in 201 KAR 20.215, Section 3.

5. Executed an affidavit of reasonable cause concerning the AIDS education requirement and obtained the required education after the expiration of the six (6) months.

6. Had a positive drug screen for a nonprescribed drug or illicit substance and obtained a chemical dependency evaluation that does not indicate a substance abuse diagnosis.

(b) The use of a consent decree shall be restricted to only those individuals described above and who have not violated any other provision of KRS Chapter 314 or any other laws of the Commonwealth of Kentucky or of the United States.

(c) The license or registration may be issued by board staff after the individual meets all requirements for licensure or registration upon ratification of the consent decree by the board.

(d) Upon ratification by the board of the consent decree the investigation of the specific complaint shall be terminated.

(e) If the consent decree is not ratified by the board, charges may be brought pursuant to KRS 314.091 and the matter resolved as directed therein.

(f) Consent decrees which have been ratified by the board shall not be reported to other state boards of nursing, the national council of state boards of nursing or other organization, unless required by law.

Section 3. The executive director or his designee shall notify the complainant and the person against whom the complaint was made of the final disposition of the case.

Section 4. The restrictions or conditions imposed by the board on a temporary work permit, holder of a multistate licensure privilege, or license or provisional license may include the following:

(1) Prohibiting the performance of specific nursing acts including access to, responsibility for, or the administration of controlled substances; administration of any medication; supervisory functions; or any act which the individual cannot safely perform.

(2) Requiring the individual have continuous, direct, on-site supervision by a registered nurse, physician, or dentist.

(3) Specifying the individual's practice setting.

(4) Specifying the types of patients to whom the individual may give nursing care.

(5) Requiring the individual to notify the board in writing of any change in name, address, or employment.

(6) Requiring the individual to have his employer submit to the board written reports of performance or compliance with the requirements set by the board.

(7) Requiring the individual to submit to the board evidence of physical, chemical dependency, or mental health evaluations, counseling, therapy or drug screens.

(8) Meeting with representatives of the board.

(9) Issuing the license or temporary work permit for a specified period of time.

(10) Requiring the individual to notify the board in writing of any criminal arrests, charges, or convictions

(11) Requiring the individual to be employed as a nurse for a specified period of time.

JIMMY ISENBERG, President

APPROVED BY AGENCY: February 14, 2008

FILED WITH LRC: March 5, 2008 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 22, 2008, at 10 a.m. (EST) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by April 15, 2008, five 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 wishes to be heard 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 the proposed administrative regulation. Written comments shall be accepted until close of business April 30, 2008. 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: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 429-3309, fax (502) 696-3938, email nathan.goldman@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goldman, General Counsel

(1) Provide a brief summary of:

(a) What this administrative regulation does It sets procedures for the investigation and disposition of complaints against nurses.

(b) The necessity of this administrative regulation: The board is required by statute to promulgate this administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By setting procedures.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By setting procedures.

(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: It clarifies what information about a complaint is public and adds a term for use in disciplinary actions.

(b) The necessity of the amendment to this administrative regulation: The board wanted to clarify the fact that an investigation is pending is public knowledge. The board also wanted to clarify the use of the added disciplinary term that would require a nurse to be employed as nurse for a period of time while on probation with the board.

(c) How the amendment conforms to the content of the authorizing statutes: The board is authorized to set these terms.

(d) How the amendment will assist in the effective administration of the statutes: By setting appropriate terms.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Nurses with complaints pending, number unknown.

(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: They will have to comply with the terms of the action.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost associated with this change.

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

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

(a) Initially: No additional cost.

(b) On a continuing basis: No additional cost.

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

(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 increase will be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: It does not.

(9) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Nursing.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.091 and KRS 314.131.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated.

(c) How much will it cost to administer this program for the first year? This amendment will not require additional costs to administer.

(d) How much will it cost to administer this program for subsequent years? This amendment will not require additional costs to administer.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-).

Expenditures (+/-):

Other Explanation:

GENERAL GOVERNMENT CABINET
Board Of Nursing
(Amendment)

201 KAR 20:225. Reinstatement of license.

RELATES TO: KRS 314 041(11), 314 042(6), 314 051(11), 314.071, 314.073, 314 091

STATUTORY AUTHORITY: KRS 314 131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations to implement the provisions of KRS 314.011 to 314.991. KRS 314.041(11), 314 042(6), and 314 051(11) allow a person whose license has lapsed due to failure to renew to be able to reinstate the license. KRS 314.091 authorizes the board to discipline a licensee for a violation of the statutes or administrative regulations. This administrative regulation establishes procedures for reinstatement of a license that has lapsed or has been subject to disciplinary action.

Section 1. Reinstatement of Lapsed or Retired License. (1) A license shall be lapsed if it has expired because of the licensee's failure to:

(a) Submit a completed and timely application for renewal,

(b) Submit data required to enable the board to complete the processing of an application;

(c) Submit the current application fee; or

(d) Meet all requirements for renewal of a license, in accordance with KRS 314.071.

(2) A lapsed or retired license may be reinstated by:

(a) Submitting a completed application form required by 201 KAR 20.370, Section 1(1)(a) or (c);

(b) Paying the current application fee required by 201 KAR 20:240, Section 1(2)(g) or (l); and

(c) Meeting all other requirements of this section.

(3)(a) If an individual applies for reinstatement of a lapsed license to active status, the applicant shall complete fourteen (14) contact hours of continuing education for each year since the date of last active licensure, [~~with a minimum of twenty-eight (28) contact hours,~~] if the date of last active licensure is within five (5) years of the application for reinstatement, but more than one (1) year from the date of last active licensure.

1. Fourteen (14) [~~Twenty-eight (28)~~] hours of continuing education shall have been earned within twelve (12) [~~twenty-four (24)~~] months of the date of the application.

2. Continuing education earned more than five (5) years preceding the date of application shall not be counted toward meeting this requirement.

(b) If an applicant has not been engaged in nursing practice during the five (5) years preceding the date of the application, the applicant shall.

1. Complete a refresher course approved by the board, pursuant to 201 KAR 20:380 The refresher course shall have been completed within two (2) years of the date of the application; or

2. Complete at least 120 contact hours of continuing education earned within one (1) year of the date of the application.

(c) An individual may use the continuing competency methods set out in 201 KAR 20:215, Section 3 for reinstatement if that individual:

1. [~~who~~] Was exempt from the contact hour earning requirement pursuant to KRS 314 073(1) and [~~who~~] applies for reinstatement of a lapsed license within one (1) year from the date of lapse; or

2. Allowed the license to lapse and applies for reinstatement of a lapsed license within one (1) year from the date of lapse.

(d) Continuing competency used for reinstatement pursuant to paragraph (c) of this subsection shall not be used for renewal of the license. [~~shall earn fourteen (14) contact hours~~]

(4) If the applicant has been currently licensed and actively engaged in nursing practice in another jurisdiction for at least 500 hours during the preceding five (5) years, the requirements of subsection (3) of this section shall not apply. The applicant shall submit evidence to verify [~~the current licensure and~~] active practice.

[~~(5) An applicant who applies for reinstatement of a lapsed license under this section within thirty (30) days of October 31 of a licensure year may use the continuing competency methods set out in 201 KAR 20:215, Section 3, for reinstatement~~]

Section 2. Reinstatement of License Subject to Disciplinary Action. (1) If a license has been revoked, an individual may apply for reinstatement by:

(a) Completing the appropriate application required by 201 KAR 20:370, Section 1(1)(a) or (c);

(b) Paying the current application fee required by 201 KAR 20 240, Section 1(2)(g) or (l),

(c) Meeting the terms of the disciplinary order; and

(d) Retaking the licensure examination and achieving a passing score.

(2) A hearing shall be held to determine if the issuance of a license would no longer be a threat to public safety and health.

(3)(a) If a license has been suspended or voluntarily surrendered, an individual may apply for reinstatement by:

1. Completing an application required by 201 KAR 20:370, Section 1(1)(a) or (c);

2. Paying the fee required by 201 KAR 20:240, Section 1(2)(g) or (l); and

3. Notifying the board, in writing, that the requirements of the decision or agreed order have been met.

(b) If the decision or agreed order requires that a hearing be held, the individual shall notify the board, in writing, to request that a hearing be scheduled.

(4) An individual whose license has been suspended or voluntarily surrendered shall be required to comply with the continuing education requirements of KRS 314 073 for the period during which the license was suspended or surrendered.

(5) If a license has been probated and the individual has allowed the license to expire prior to the end of the probationary period, and the individual later applies for reinstatement, the license shall be reinstated subject to the remaining probationary period. The individual shall comply with all requirements for reinstatement, in accordance with KRS 314.071.

(6)(a) A person may seek reinstatement of a license pursuant to subsection (3) of this section, if an order of immediate temporary suspension has been issued pursuant to:

1. KRS 314.085(1) because of a person's failure to obtain an evaluation and the person subsequently obtains the evaluation;

2. KRS 314.075 because of a person's submission of a bad check and the person subsequently makes the check good; or

3. KRS 164.772 because of a notice from the Kentucky Higher Education Assistance Authority that a person is in default of a student loan and the Kentucky Higher Education Assistance Authority subsequently notifies the board that the person is no longer in default.

(b) A request for reinstatement of a license following the issuance of an order of immediate temporary suspension as listed in paragraph (a) of this subsection may be denied, if in the opinion of the board, continuance of the temporary suspension is necessary in order to protect the public.

Section 3. Miscellaneous Requirements. (1) [~~An individual who~~

~~reinstates a license during the first seven (7) months of a licensure period shall be exempt from meeting the continued competency requirements of 201 KAR 20:215.~~

~~(2)~~](a) A copy of an official name change document shall be submitted by the applicant when making application, if applicable.

(b) Verification of the name change shall be made by submitting a copy of a:

1. Court order;
2. Marriage certificate;
3. Divorce decree; or
4. Social Security card.

(2)[~~(3)~~] An individual whose license lapsed, was suspended, or voluntarily surrendered prior to July 15, 1996 shall earn three (3) hours of continuing education in domestic violence within three (3) years of reinstatement of the license as required by KRS 194A.540.

(3)[~~(4)~~] An individual who holds a nursing license that was revoked by disciplinary order of the board prior to December 31, 1987 shall meet all requirements of Section 2 of this administrative regulation except Section 2(1)(d) of this administrative regulation.

JIMMY ISENBERG, President

APPROVED BY AGENCY: February 14, 2008

FILED WITH LRC: March 5, 2008 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 22, 2008, at 10 a.m. (EST) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by April 15, 2008, five 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 wishes to be heard 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 the proposed administrative regulation. Written comments shall be accepted until close of business April 30, 2008. 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: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 429-3309, fax (502) 696-3938, email nathan.goldman@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goldman, General Counsel

(1) Provide a brief summary of:

(a) What this administrative regulation does: It sets requirements for reinstatement of a nursing license.

(b) The necessity of this administrative regulation: The board is required by statute to promulgate this administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By setting requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By setting requirements.

(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: It changes the continuing education needed to reinstate a license to reflect the fact that licenses are issued annually and to be consistent with other administrative regulations of the board. It allows an applicant to use the same continued competency methods that could be used for renewal to be used for reinstatement for up to one year from date of lapse. It removes an exemption from meeting the continued competency requirements for an applicant that reinstates within the first seven months of a licensure period.

(b) The necessity of the amendment to this administrative regulation: Some of the changes were necessary because of the change to annual licensure. Other changes were needed to simplify the renewal and reinstatement process.

(c) How the amendment conforms to the content of the authorizing statutes: By setting appropriate requirements.

(d) How the amendment will assist in the effective administration of the statutes: By setting appropriate requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Applicants for reinstatement of a nursing license, number unknown.

(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: They will have to meet the new requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost associated with this change.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will be in compliance and the license can be reinstated.

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

(a) Initially: No additional cost.

(b) On a continuing basis: No additional cost.

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

(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 increase will be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: It does not.

(9) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Nursing.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.041, KRS 314.051, and KRS 314.131.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated.

(c) How much will it cost to administer this program for the first year? This amendment will not require additional costs to administer.

(d) How much will it cost to administer this program for subsequent years? This amendment will not require additional costs to administer.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation:

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 6:120. Blackburn Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439 640
NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439 470, 439.590, and 439.640 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the department or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards by the American Correctional Association. This administrative regulation establishes the policies and procedures for the Blackburn Correctional Complex.

Section 1. Incorporation by Reference. (1) "Blackburn Correctional Complex Policies and Procedures," March 14, 2008, are[", December 10, 2002, is] incorporated by reference. Blackburn Correctional Complex Policies and Procedures include:

[BCC 01-07-01	Extraordinary Occurrence Reports
BCC 01-09-01	Legal Assistance for Staff]
BCC 01-11-01	Roles of Consultants, Contract Employees, Volunteers and Employees of Other Agencies
BCC 01-13-01	Relationships with Public, Media, and Other Agencies
BCC 01-13-02	Public Information and News Media Access
[BCC 01-15-01	Internal Affairs Office
BCC 01-16-01	Tours of Blackburn Correctional Complex]
BCC 01-19-01	Inmate Access to BCC Staff
BCC 02-01-01	Inmate Canteen
[BCC 02-02-01	Fiscal Responsibility
BCC 02-02-02	Fiscal Management: Accounting Procedures
BCC 02-02-03	Fiscal Management: Checks
BCC 02-02-04	Fiscal Management: Budget
BCC 02-02-05	Fiscal Management: Insurance
BCC 02-02-06	Fiscal Management: Audits
BCC 02-04-01	Billing Method for Specialized Health Services
BCC 02-05-01	Property Inventory
BCC 02-06-01	Purchasing]
BCC 02-07-01	Inmate Personal Accounts
[BCC 04-03-01	Educational Assistance Program]
BCC 05-01-01	Inmate Participation in Authorized Research
[BCC 06-02-01	Release of Records]
BCC 06-02-02	Offender Records (Amended 10/14/02)
BCC 08-02-01	Natural Disaster Plan (Tornado)
[BCC 08-03-01	Emergency Preparedness Plan Manual]
BCC 08-04-01	Fire Safety Plan, Drills and Related Duties
[BCC 08-05-01	Duties of Fire Safety and Sanitation Officer]
BCC 08-06-01	Storage Control and Accountability of Flammable, Toxic, Caustic and Other Hazardous Materials (Amended 10/14/02)
[BCC 09-01-01	Inclement Weather or Emergency Conditions Operation]
BCC 09-02-03	Regulation of Inmate Movement
BCC 09-03-01	Inmate Identification
[BCC 09-10-03	Development of Institutional Post Orders]
BCC 09-14-01	Prohibiting Inmate Authority Over Other Inmates
[BCC 09-16-01	Security Activity Log
BCC 09-18-01	Use of State Vehicles and Staff-owned Vehicles]
BCC 09-19-01	Duties and Responsibilities of the Institutional Captain
BCC 10-01-02	Temporary Segregation Holding Area
BCC 11-01-01	Menu and Restricted Diets (Amended 12/10/02)
BCC 11-02-01	Food Service: Inspection, Health Protection and Sanitation
BCC 11-03-01	Food Service: Meals
BCC 11-04-01	Dining Room Guidelines
BCC 11-05-01	Food Service Security: Knife & Other Sharp Instrument Control (Amended 12/10/02)
BCC 11-06-01	Purchasing, Storage and Farm Products
[BCC 11-07-01	Food Service Operations Manual]
BCC 12-02-01	Personal Hygiene Items
BCC 12-02-02	Clothing, Linens, Bedding Issuance and Shower Facilities
BCC 12-05-01	Barber Shop Services (Amended 10/14/02)
[BCC 12-06-01	BCC Housekeeping Plan]
BCC 13-01-01	Sick Call and Pill Call
[BCC 13-02-01	Administration and Authority for Health Services (Amended 12/10/02)]
BCC 13-03-01	Provisions of Health Care Delivery
[BCC 13-04-01	Licensure and Training Standards]
BCC 13-05-01	Medical Alert System
BCC 13-06-01	Health Care Practices
BCC 13-07-01	Emergency Medical Care Plan (Amended 10/14/02)
BCC 13-07-02	Emergency and Specialized Health Services (Amended 10/14/02)
BCC 13-07-03	Immediate Medical Treatment for Person's Injured by Weapon or Chemical Agent
BCC 13-08-01	Inmate Health Screening and Evaluation (Amended 10/14/02)
BCC 13-09-01	Prohibition on Medical Experimentation
BCC 13-10-01	Dental Services (Amended 10/14/02)
BCC 13-11-01	Suicide Prevention and Intervention Program
BCC 13-12-01	Use of Pharmaceutical Products (Amended 10/14/02)
BCC 13-12-02	Parenteral Administration of Medications and Use of Psychotropic Drugs
BCC 13-13-01	Inmate Health Education (Amended 10/14/02)
BCC 13-14-01	Management of Serious and Infectious Diseases (Amended 10/14/02)
BCC 13-15-01	Informed Consent
BCC 13-16-01	Health Records
BCC 13-17-01	Notification of Inmate Family in the Event of Serious Illness, Injury or Surgery (Amended 12/10/02)
BCC 13-19-01	Physicians Referrals and Continuity of Care
BCC 13-20-01	Chronic and Convalescent Care (Amended 10/14/02)
BCC 13-22-01	Psychiatric and Psychological Services, Handling of Mentally Retarded Inmates and Transfers
BCC 14-01-01	Office of Public Advocacy and Attorney Visits (Amended 10/14/02)
[BCC 14-04-01	Inmate Rights and Responsibilities (Amended 10/14/02)]
BCC 15-01-01	Restricted Areas
BCC 15-02-01	Inmate Pass System to Restricted Areas
BCC 15-02-02	Room Assignment (Amended 12/10/02)
BCC 15-03-01	Rules and Regulations for Dormitories (Amended 10/14/02)
BCC 15-04-01	Population Counts and Count Documentation
BCC 15-05-01	Extra Duty Assignments
BCC 16-01-01	Inmate Furloughs (Amended 10/14/02)
BCC 16-02-01	Inmate Visiting (Amended 12/10/02)
BCC 16-03-02	Outgoing Inmate Packages
BCC 16-03-03	Inmate Correspondence (Amended 10/14/02)
BCC 17-02-01	Inmate Personal Property
[BCC 17-03-01	Processing of New Inmates From Local Jails]
BCC 18-01-01	Classification of the Inmate (Amended 10/14/02)
BCC 19-01-01	Inmate Work Programs (Amended 10/14/02)
BCC 19-02-01	Classification of Inmates to Governmental Service Program
BCC 19-03-01	Correctional Industries (Amended 10/14/02)
BCC 20-01-01	Blackburn Education Center
[BCC 20-04-01	Educational Program Evaluation]
BCC 20-05-01	Educational Program Planning

BCC 20-06-01	Academic and Vocational Curriculum (Amended 10/14/02)
BCC 21-01-01	Library Services (Amended 10/14/02)
BCC 21-01-02	Audio or Video Tape Court Transcripts
[~~BCC 22-01-01~~	~~Arts and Crafts/Production and Sale of Items~~]
BCC 22-02-01	Privileged Trips (Amended 10/14/02)
[~~BCC 22-03-01~~	~~Recreational Employees (Amended 10/14/02)~~]
BCC 22-04-01	Recreation and Inmate Activities (Amended 12/10/02)
BCC 22-04-02	Inmate Clubs and Organizations (Amended 10/14/02)
BCC 22-04-03	Conducting Inmate Organizational Meetings and Programs (Amended 10/14/02)
BCC 22-04-04	Recreation Program Availability (Amended 10/14/02)
BCC 22-04-05	Supervision of Leisure-time Craft Club Activities and Materials (Amended 10/14/02)
BCC 22-06-01	Music Club
BCC 22-09-01	Use of Inmates in Recreation Programs
BCC 23-01-01	Religious Services (Amended 10/14/02)
[~~BCC 24-01-01~~	~~Duties and Responsibilities of Classification and Treatment Officers~~
~~BCC 24-02-01~~	~~Duties and Responsibilities of the Unit Director and Assistant to the Unit Director~~]
BCC 24-03-01	Social Services (Amended 12/10/02)
BCC 25-01-01	Inmate Check Out Procedure
BCC 25-02-01	Reporting Inmate Misconduct Following Favorable Recommendations by the Parole Board (Added 10/14/02)
[~~BCC 25-05-01~~	~~Supplemental Preparole Progress Reports~~]
BCC 26-01-01	Citizen Involvement and Volunteer Service Program.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, [~~Office of the General Counsel, Department of Corrections, 2439 Lawrenceburg Road, PO Box 2400, Frankfort, Kentucky 40602-2400.~~] Monday through Friday, 8 a.m. to 4:30 p.m.

LADONNA H. THOMPSON, Commissioner

APPROVED BY AGENCY: March 13, 2008

FILED WITH LRC: March 14, 2008 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on April 21, 2008 at 10:30 a.m. at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five working days 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 cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on this 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 the proposed administrative regulation. Send written notification of intent to be heard at the public hearing five working days prior to the hearing or send written comments on the proposed administrative regulation by close of business April 30, 2008 to:

CONTACT PERSON: Karen S. Howard, Justice & Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-8215, fax (502) 564-6686.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Karen S. Howard

(1) Provide a brief summary of:

(a) What this administrative regulation does: The regulation incorporates by reference the policies and procedures governing Blackburn Correctional Complex including the rights and responsibilities of employees and the inmate population.

(b) The necessity of this administrative regulation: To conform to the requirements of KRS 196.035, 197.020, 197.025(6), and to meet ACA requirements.

(c) How this administrative regulation conforms to the content of the authorizing statues: The regulation governs the operations of Blackburn Correctional Complex.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation and material incorporated by reference provides direction and information to Corrections employees concerning their duties and responsibilities of their jobs and to inmates concerning their rights and responsibilities.

(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 amendment updates current practices for the department and its facilities by deleting outdated or unnecessary policies.

(b) The necessity of the amendment to this administrative regulation: To conform to the requirements of KRS 196.035, 197.020, and 197.025(6).

(c) How the amendment conforms to the content of the authorizing statutes: It permits the Commissioner or his authorized representative to implement or amend practices or procedures to ensure the safe and efficient operation of Blackburn Correctional Complex.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides staff and inmates information concerning the effective and orderly management of the penal institutions.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects Blackburn Correctional Complex employees, inmates, and all visitors the institution.

(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: No additional action required as amendments only delete outdated or unnecessary policies.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Changes to this regulation are not expected to increase costs from what will be budgeted to Blackburn Correctional Complex.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Deleting outdated and unnecessary policies will assist in the effective and orderly management of the institution.

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

(a) Initially: 0

(b) On a continuing basis: 0

(6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation: Changes to this regulation are not expected to increase costs from what will be budgeted to the Blackburn Correctional Complex.

(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:
Changes to this regulation are not expected to increase costs from what will be budgeted to Blackburn Correctional Complex.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation impacts the daily operations of Blackburn Correctional Complex.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 196.035, 197.020

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Changes to this regulation do not create any revenue for Blackburn Correctional Complex, or other government entity.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Changes to this regulation do not create any revenue for Blackburn Correctional Complex, or other government entity

(c) How much will it cost to administer this program for the first year? No new programs have been created.

(d) How much will it cost to administer this program for subsequent years? Changes to this regulation are not expected to increase costs from what will be budgeted to Blackburn Correctional Complex.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation:

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 6:999. Corrections secured policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the department or of its divisions. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation establishes the secured policies and procedures for the Department of Corrections.

Section 1. Incorporation by Reference. (1) "Department of Corrections Secured Policies and Procedures," March 14, 2008 [~~November 7, 2007~~], are incorporated by reference. Secured Policies and Procedures include:

BCC 08-04-02	Immediate Release of Inmates from Locked Areas (Amended 1/12/05)
BCC 09-04-01	Construction Crew Entry, Exit and Regulations (Amended 1/12/05)
BCC 09-04-02	Complex Entry and Exit (Amended 1/12/05)
BCC 09-05-01	Key Control (Amended 1/12/05)
BCC 09-06-02	Transportation to Courts (Amended 1/12/05)
BCC 09-07-01	Drug Abuse and Intoxicants Testing (Amended 1/12/05)
BCC 09-08-01	Weapons and Related Security Device Control (Amended 1/12/05)
BCC 09-08-02	Use of Restraints (Amended 1/12/05)
BCC 09-17-01	Institutional Supervisor Inspections (Amended 1/12/05)
BCC 09-20-01	Inmate Death (Amended 1/12/05)
BCC 09-21-01	Tool Control (Amended 1/12/05)
BCC 09-22-01	Emergency Power and Communication System
BCFC 08-09-02	OSHA Hazard Communication Program (Added 9/14/07)
BCFC 08-10-01	Bell County Forestry Camp Emergency Response Team
BCFC 09-07-01	Key Control (Amended 9/14/07)
BCFC 09-11-01	Guidelines for Contractors
BCFC 09-15-01	Count Procedure and Regulation of Inmate Movement (Amended (12/14/05)
BCFC 09-16-01	Inmate Death (Amended 11/07/07)
BCFC 09-19-01	Tool Control (Amended (12/14/05)
BCFC 09-20-01	Weapons, Chemical Agents, and Related Security Device Control
BCFC 09-21-01	Transportation of Inmates (Amended 9/14/07)
CPP 8.3	Critical Incident Planning (Amended 2/13/06)
CPP 8.4	Critical Incident Management (Amended 2/13/06)
CPP 8.5	Emergency Squads (Amended 3/14/08[~~1/12/05~~])
CPP 9.1	Use of Force and Mechanical Restraints (Amended 6/14/05)
CPP 9.3	Security Threat Groups (Amended 12/14/05)
CPP 9.7	Storage, Issue, and Use of Weapons Including Chemical Agents (Amended 9/14/07)
CPP 9.9	Transportation of Offenders (Amended 1/12/05)
CPP 9.10	Security Inspections (Amended 1/12/05)
CPP 9.11	Tool Control (Amended 12/14/05)
FCDC 09-01-02	Institutional Entry and Exit Surveillance and Perimeter Security Procedures
FCDC 09-01-03	Firearms, Mechanical Restraints, and Emergency Equipment
FCDC 09-03-01	Control and Accountability of Flammable, Toxic, Caustic and Other Hazardous Materials
FCDC 09-07-01	Guidelines for Contract and Construction Personnel
FCDC 09-09-01	Tool Control
FCDC 09-12-01	Key Control
FCDC 09-14-01	Count Procedures
FCDC 09-20-01	Collection, Preservation, and Identification of Physical Evidence
GRCC 08-05-01	Corrections Emergency Response Team (C.E.R.T.): Selection, Training and Evaluation (Amended 9/14/07)
GRCC 09-05-01	Construction Crew Entry and Exit Guidelines (Amended 9/14/07)
GRCC 09-06-01	Entry and Exit Procedures (Amended 11/07/07)
GRCC 09-07-01	Institutional Inspections (Amended 9/14/07)
GRCC 09-08-01	Issuance of Weapons, Ammunition and Chemical Agents (Amended 9/14/07)
GRCC 09-09-01	Contraband Control; Collection, Preservation, Disposition of Contraband and Identification of Physical Evidence (Amended 9/14/07)
GRCC 09-10-01	Emergency Release from a Locked Area (Amended 9/14/07)
GRCC 09-11-01	Tool and Equipment Control (Amended 9/14/07)
GRCC 09-12-01	Key Control (Amended 9/14/07)
GRCC 09-15-01	Radio Assignment (Amended 9/14/07)
KCIW 08-01-02	Corrections Emergency Response Team (CERT) (Amended 9/14/07)
KCIW 09-01-01	Inmate Counts (Amended 9/14/07)
KCIW 09-02-01	Transportation of Inmates (Amended 9/14/07)
KCIW 09-02-02	Use of Restraints (Amended 6/14/06)
KCIW 09-03-02	Weapons and Chemical Agents (Amended 6/14/06)
KCIW 09-03-03	Forced Cell Entry (Amended 6/14/06)
KCIW 09-04-01	Portable Radios and Mobile Units (Amended

	9/14/07)
KCIW 09-06-01	Tool Control (Amended 9/14/07)
KCIW 09-06-02	Key Control (Amended 9/14/0)
KCIW 09-06-03	Flammable, Hazardous, Toxic and Caustic Materials (Amended 9/14/07)
KCIW 09-07-01	Weekly Security Inspections - Security Devices (Amended 6/14/06)
KCIW 09-07-03	Quarterly Security Inspections (Amended 6/14/06)
KCIW 09-09-01	Perimeter Security Plan and Daily Inspections (Amended 9/14/07)
KCIW 09-12-02	Collection, Preservation and Identification of Physical Evidence (Amended 6/14/06)
KSP 08-05-01	Corrections Emergency Response Team (Amended 1/12/05)
KSP 09-01-01	Use of Force (Amended 2/12/07)
KSP 09-07-01	Weapons Control (Amended 12/14/06)
KSP 09-08-01	Searches and Preservation of Evidence (Amended 12/14/06)
KSP 09-09-01	Transportation of Inmates (Amended 2/12/07)
KSP 09-10-01	Institutional Security Inspections (Amended 1/12/05)
KSP 09-10-02	Security Inspection Guidelines for Cellhouse Officers (Amended 1/12/05)
KSP 09-11-01	Tool Control (Amended 12/14/06)
KSP 09-12-01	Key Control (Amended 1/12/05)
KSP 09-13-05	Outside Hospital Duty, Inpatient and Outpatient Care for Inmates (Amended 1/12/05)
KSP 09-14-01	Count Procedures (Amended 2/12/07)
KSP 09-15-01	Entry and Exit Procedures (Amended 2/12/07)
KSP 09-15-04	Institutional Limited Access (Amended 1/12/05)
KSR 08-01-01	Control of Flammable, Hazardous, Toxic and Caustic Chemical and Materials (Amended 6/14/05)
KSR 08-01-02	Corrections Emergency Response Team (Amended 12/14/05)
KSR 08-01-03	Emergency Medical Transportation (Amended 8/9/05)
KSR 09-00-04	Box 1 Entry and Exit Procedure (Amended 8/9/05)
KSR 09-00-09	Contraband, Dangerous Contraband and Search Policy (Amended 6/14/05)
KSR 09-00-27	Construction Crew Entry and Exit (Amended 8/9/05)
KSR 09-01-01	Count Procedures (Amended 6/14/05)
KSR 09-01-02	Gate 1 Entrance and Exit Procedure (Amended 8/9/05)
KSR 09-01-03	Tunnel Gate Entrance and Exit Procedure
KSR 09-01-04	Outside Stockade Gate (Box 01)
KSR 09-01-05	Tool Control
KSR 09-01-06	Security Inspection Plan
KSR 09-01-07	Key Control
KSR 09-01-08	Issuance of Firearms and Chemical Weapons From Arms Vault
KSR 09-01-09	Officers Daily Housing Security and Safety Log, Security Index, Correctional Security Guide and Post Orders
KSR 09-01-10	Issuance of Institutional Portable Radios
KSR 09-01-11	Transportation of Inmates
KSR 09-01-12	Collection, Preservation and Identification of Physical Evidence
KSR 09-01-13	Forced Cell Move in Medium or Maximum Area
KSR 10-01-011	Special Management - Behavior Problem Control
LLCC 08-03-01	Emergency Squad: Selection, Training and Evaluation (Amended 3/8/05)
LLCC 09-01-02	Priority Posts and Emergency Security Posts Assignments for Daily Operation (Amended 3/8/05)
LLCC 09-06-01	Central Control Center Operating Procedure (Entry Into Institutional Compound) (Amended 6/14/06)
LLCC 09-07-01	Count Procedure and Documentation (Amended 6/14/06)
LLCC 09-08-01	Regulation of Inmate Movement (Amended 3/8/05)
LLCC 09-08-02	Unit Security and Emergency Procedure (Amended 3/8/05)
LLCC 09-09-01	Transportation of Inmates - Entry and Exit Procedures (Amended 3/8/05)
LLCC 09-09-02	Entry and Exit Control (Amended 3/8/05)
LLCC 09-11-01	Standards for Maintaining Perimeter Security (Amended 6/14/06)
LLCC 09-11-04	Outside Detail (Amended 1/12/05)
LLCC 09-12-02	Monitoring Staff and Visitors Movement (Amended 3/8/05)
LLCC 09-13-01	Outside Hospitals (Amended 1/12/05)
LLCC 09-14-01	Security Procedures for Print Shop (Amended 1/12/05)
LLCC 09-15-01	Emergency Red light Response (Amended 3/8/05)
LLCC 09-17-01	Procedure for Operation In Event of Dense Fog, Inclement Weather or Loss of Power (Amended 3/8/05)
LLCC 09-18-04	Monitoring of Inmate Telephone Calls (Amended 1/12/05)
LLCC 09-20-01	Weapons and Related Security Device Control (Amended 3/8/05)
LLCC 09-20-02	Key Control (Amended 3/8/05)
LLCC 09-20-03	Tool and Equipment Control (Amended 3/8/05)
LLCC 09-21-03	Cell Entry in a Dorm or Special Management Unit (Amended 1/12/05)
LLCC 09-22-01	Application of Restraints (Amended 3/8/05)
LLCC 09-24-01	Weekly Inspection and Maintenance of All Security Devices (Amended 1/12/05)
LSCC 08-05-01	CERT: Selection, Training, and Evaluation (Added 6/14/06)
LSCC 08-06-01	Critical Incident Planning and Management (Added 9/14/07)
LSCC 09-01-01	Inmate Counts (Added 9/14/07)
LSCC 09-03-01	Procedure for operation in event of Dense Fog, Inclement weather, or loss of power (Added 9/14/07)
LSCC 09-04-01	Inmate Death (Added 9/14/07)
LSCC 09-05-01	Construction Crew: Entry and Exit Guidelines (Amended 8/8/06)
LSCC 09-06-01	Entry and Exit Procedures (Added 6/14/06)
LSCC 09-07-01	Institutional Inspections (Added 6/14/06)
LSCC 09-08-01	Issuance of Weapons Ammunition and Chemical Agents (Added 6/14/06)
LSCC 09-09-01	Contraband Control, Collection, Preservation, and Disposition of Physical Evidence (Added 6/14/06)
LSCC 09-11-01	Tool and Equipment Control (Added 6/14/06)
LSCC 09-12-01	Key Control (Amended 8/8/06)
LSCC 09-15-01	Radio Assignment (Added 6/14/06)
LSCC 10-01-01	Special Management Unit (Added 11/07/07)
NTC 08-05-04	Storage of Flammables and Dangerous Chemicals and Their Use (Amended 1/12/05)
NTC 09-02-01	Regulation of Inmate Movement (Amended 9/14/07)
NTC 09-04-01	Construction and Service Personnel (Amended 9/14/07)
NTC 09-05-01	Count Procedure and Documentation (Amended 1/12/05)
NTC 09-08-01	Issuance and Use of Institution Portable Radios (Amended 9/14/07)
NTC 09-09-01	Transportation of Inmates (Amended 9/14/07)
NTC 09-10-01	Use of Force; Prohibiting Personal Abuse and Corporal Punishment (Amended 9/14/07)
NTC 09-10-02	Use of Physical Restraints (Amended 9/14/07)
NTC 09-11-01	Tool Control (Amended 9/14/07)
NTC 09-13-01	Procedure for Operation in the event of

	Dense Fog or Loss of Power (Amended 11/07/07)
NTC 09-17-01	Maintaining Perimeter Security (Amended 1/12/05)
NTC 09-17-02	Perimeter Security Check (Amended 9/14/07)
NTC 09-18-01	Key Control (Amended 1/12/05)
NTC 09-19-01	Electrical Disabling Devices (Amended 1/12/05)
NTC 09-20-01	Security Inspection Plan (Amended 9/14/07)
NTC 09-21-01	Inclement Weather Operations (Amended 9/14/07)
NTC 09-25-01	Weapons and Related Security Device Control (Amended 1/12/05)
NTC 09-25-02	Use of Chemical Agents (Amended 9/14/07)
NTC 09-28-01	Personal Firearms Owned by Employees Residing on Institutional Property (Amended 9/14/07)
NTC 09-30-01	Security Check-In List Procedures (Added 1/12/05)
RCC 08-08-01	Control and Use of Flammable, Toxic, and Caustic Materials (Amended 1/12/05)
RCC 09-01-01	Establishment of Security Posts (Amended 9/14/07))
RCC 09-01-02	Mandatory Security Post Coverage (Amended 1/12/05)
RCC 09-02-01	Security Activity Logs (Amended 1/12/05)
RCC 09-03-01	Institutional Security Inspections (Amended 1/12/05)
RCC 09-04-03	Duties and Responsibilities of the Fire and Safety Officer
RCC 09-05-01	Entry and Exit to Institution (Amended 1/12/05)
RCC 09-06-01	Search Policy/Disposition of Contraband (Amended 1/12/05)
RCC 09-06-02	Collection, Preservation, and Identification of Physical Evidence (Amended 1/12/05)
RCC 09-06-04	Disposition of Contraband from Outside Institutional Perimeter (Amended 1/12/05)
RCC 09-07-01	Key Control (Amended 1/12/05)
RCC 09-11-01	Guidelines for Contractors (Amended 1/12/05)
RCC 09-12-01	Outside Hospital Security (Amended 1/12/05)
RCC 09-13-01	Outside Details and Farm Details (Amended 1/12/05)
RCC 09-14-01	Restricted Areas (Amended 1/12/05)
RCC 09-14-02	Count Procedure and Documentation (Amended 9/14/07)
RCC 09-15-02	Security and Records Office Documentation for Placement and Movement of Inmates (Amended 1/12/05)
RCC 09-15-03	Regulation of Inmate Movement (Amended 1/12/05)
RCC 09-16-01	Inmate Death (Amended 1/12/05)
RCC 09-17-01	Recreational Area Security and Recreation Field (Amended 1/12/05)
RCC 09-19-01	Tool Control (Amended 1/12/05)
RCC 09-20-01	Weapons and Related Security Device Control (Amended 9/14/07)
RCC 09-20-03	Issuance of Firearms and Chemical Weapons from the Armory (Amended 9/14/07)
RCC 09-21-01	Transportation of Inmates (Amended 9/14/07)
RCC 09-22-02	Use of Electronic Riot Shield (Amended 9/14/07)
RCC 09-23-01	Use of Restraints (Amended 1/12/05)
RCC 09-25-01	Procedure for Operation in Inclement Weather (Amended 1/12/05)
RCC 09-26-01	Use of State Vehicles and Staff Owned Vehicles (Amended 9/14/07)
RCC 09-28-01	Canine Unit (Added 11/07/07)
WKCC 08-05-01	Corrections Emergency Response Team (Amended 3/14/08[~~12/14/05~~])
[~~WKCC 09-00-02~~	~~Radio Communication (Amended 1/12/05)~~
~~WKCC 09-00-03~~	~~Video Equipment (Amended 1/12/05)~~
~~WKCC 09-00-04~~	~~LINK/NCIC Security (Amended 1/12/05)~~
~~WKCC 09-07-01~~	~~Weapons, Chemical Agents, and Related Security Equipment (Amended 12/14/05)~~
~~WKCC 09-08-01~~	~~Searches and Preservation of Evidence (Amended 1/12/05)~~
~~WKCC 09-09-01~~	~~Transportation of Inmates (Amended 1/12/05)~~
~~WKCC 09-10-01~~	~~Security Inspection and Staff Accessibility (Amended 1/12/05)~~
~~WKCC 09-14-01~~	~~Counts (Amended 1/12/05)~~
~~WKCC 09-15-01~~	~~Inmate Movement, Entry & Exit, and Perimeter Control (Amended 1/12/05)~~]

(2) There shall not be a public hearing on these policies and procedures as they are secured policies under the provisions of KRS 197.025(6) which states that these policies shall not be accessible to the public or inmates

LADONNA H. THOMPSON, Commissioner
APPROVED BY AGENCY: March 13, 2008
FILED WITH LRC: March 14, 2008 at 11 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Karen S. Howard (502) 564-8215

(1) Provide a brief summary of.

(a) What this administrative regulation does: This regulation incorporates by reference the secured policies and procedures governing the Kentucky Department of Corrections including the rights and responsibilities of employees and the inmate population.

(b) The necessity of this administrative regulation: To conform to the requirements of KRS 196.035, 197.020, 197.025(6), and to meet ACA requirements.

(c) How this administrative regulation conforms to the content of the authorizing statues: The regulation governs the secured operations of the Kentucky Department of Corrections.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation and material incorporated by reference provide direction and information to Corrections employees concerning their duties and responsibilities of their jobs and to inmates concerning their rights and responsibilities.

(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 amendment updates the Corrections Emergency Response Team policy for the department and for Western Kentucky Correctional Complex (WKCC). The amendment also deletes outdated or unnecessary policies of WKCC.

(b) The necessity of the amendment to this administrative regulation: To conform to the requirements of KRS 196.035, 197.020, and 197.025(6).

(c) How the amendment conforms to the content of the authorizing statutes: It permits the Commissioner or his authorized representative to implement or amend practices or procedures to ensure the safe and efficient operation of the Kentucky Department of Corrections.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides staff and inmates information concerning the effective and orderly management of the penal institutions.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects the Kentucky Department of Corrections, 3,825 employees and 19,501 inmates, and all visitors to state correctional institutions.

(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: Staff and inmates will have to follow the changes made in the policies and procedures. The institution, employees, and inmates of the Department of Corrections will have to change their actions to comply with any operational changes made by this regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Changes to this regulation are not expected to increase costs from what will be budgeted to Department or its facilities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The operational changes will assist in the effective and orderly management of the penal institutions.

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

(a) Initially: No additional cost required beyond current budgeted funds.

(b) On a continuing basis: No additional cost required beyond current budgeted funds

(6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation: Kentucky Department of Corrections budgeted funds.

(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

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No

(9) TIERING: Is tiering applied? No Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The amendments to this regulation impact the operation of Kentucky Department of Corrections and each state correctional institution.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 196.035, 197.020

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amendments to this regulation do not create any revenue for the Kentucky Department of Corrections, state correctional institutions, or other government entity.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The amendments to this regulation do not create any revenue for the Kentucky Department of Corrections, state correctional institutions, or other government entity.

(c) How much will it cost to administer this program for the first year? No new programs are created. The amendments to this regulation impact how the Kentucky Department of Corrections and state correctional institutions operates, but do not increase costs from what was previously budgeted to the Department of Corrections.

(d) How much will it cost to administer this program for subsequent years? The amendments to this regulation impact how the Kentucky Department of Corrections and state correctional institutions operates, but are not expected to increase costs from what will be budgeted to the Department of Corrections.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Mental Health and Mental Retardation Services
Division of Administration and Financial Management
(Amendment)

908 KAR 3:050. Per diem rates.

RELATES TO: KRS 210.710, 210.720, 210.730

STATUTORY AUTHORITY: KRS 194A.050(1), 210.720(2), 210.750

NECESSITY, FUNCTION, AND CONFORMITY: KRS 210.720(2) 210.710 requires the Secretary of the Cabinet for Health and Family Services to establish the patient cost per day for board, maintenance and treatment for a facility operated by the cabinet at frequent intervals which shall be the uniform charge for persons receiving those services. KRS 210.750 authorizes the secretary to promulgate administrative regulations to implement KRS 210.700 to 210.760, the Patient Liability Act of 1978. This administrative regulation establishes the patient cost per day for board, maintenance and treatment at facilities operated by the cabinet.

Section 1. Facility Rates. (1) Facilities operated by the cabinet shall charge a per diem rate for room and board and a separate charge for each treatment service listed in subsection (3) of this section that is provided. The per diem rate through June 30, 2008 for room and board for each facility shall be as follows:

Facility	Rate
Central State Hospital	$535
Central State - ICF/MR	$790
Western State Hospital	$455
Western State Nursing Facility	$245
Outwood ICF/MR	$290
Oakwood Community Center	$655
Hazelwood Center	$645
Glasgow State Nursing Facility	$290
Del Mana	$645
Meadows	$635
Windsong	$670
Eastern State Hospital	$440
Volta House	$140

(2) Effective July 1, 2008 the per diem rate shall be as follows

Facility	Rate
Central State Hospital	$595
Central State - ICF/MR	$1,015
Western State Hospital	$480
Western State Nursing Facility	$265
Outwood ICF/MR	$310
Oakwood Community Center	$860
Hazelwood Center	$700
Glasgow State Nursing Facility	$355
Del Mana	$645
Meadows	$635
Windsong	$670
Eastern State Hospital	$410
Volta House	$140

(3) A separate charge shall be imposed if the following treatment services are provided at a Department for Mental Health and Mental Retardation Services facility listed in subsection (1) of this section:

(a) Physicians services;
(b) EEG;
(c) EKG;
(d) Occupational therapy;
(e) Physical therapy;
(f) X-ray;
(g) Laboratory;
(h) Speech therapy,
(i) Hearing therapy;
(j) Psychology;
(k) Pharmacy;
(l) Respiratory therapy;
(m) Anesthesia;
(n) Electroshock therapy;
(o) Physician assistant; or
(p) Advanced registered nurse practitioner.

Section 2. Board, Maintenance and Treatment Charges. Cost per day for board, maintenance and treatment charges shall be established using the last available cost report increased for inflation. Current rates shall be posted at each facility.

JOHN M. BURT, Commissioner
JANIE MILLER, Secretary

APPROVED BY AGENCY: March 14, 2008

FILED WITH LRC: March 14, 2008 at 11 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 21, 2008, at 9 a.m. in the Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by April 14, 2008, five 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. The hearing is open to the public. Any person who attends 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 attend the public hearing, you may submit written comments on the proposed administrative regulation until the close of business April 30, 2008. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON. Jill Brown, Cabinet Regulation Coordinator, Cabinet for Health and Family Services, Office of the Counsel, 275 East Main Street - 5W-B, Frankfort, Kentucky 40621, phone (502) 564-7905, fax (502) 564-7573.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Glenn Bryant or Ijeoma Eneje

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation requires the Secretary of the Cabinet for Health and Family Services to establish the patient cost per day for board, maintenance and treatment for a facility operated by the cabinet at frequent intervals which shall be the uniform charge for persons receiving those services

(b) The necessity of this administrative regulation: This administrative regulation is necessary in order to assure that cabinet facilities maintain the financial ability to care for persons with mental health and mental retardation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 210.720(2). This administrative regulation requires the cabinet to establish the patient cost per day for board, maintenance and treatment for a facility operated by the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation at frequent intervals establishes the patient cost per day for board, maintenance and treatment for a facility operated by the cabinet. It enables the cabinet to recoup the actual costs of providing room, board and treatment to persons with mental illness and mental retardation, and to establish a uniform charge rate for each facility.

(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: This administrative regulation is being amended to establish the revised patient cost per day for facilities operated by the cabinet.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to assure that the per diem charge covers the actual costs incurred in the rendition of client care.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 210.720(2). The amendment requires the cabinet to establish the patient cost per day for board, maintenance and treatment for a facility operated by the cabinet.

(d) How the amendment will assist in the effective administration of the statutes: KRS 210.720(1). The amendment requires that every patient admitted to a facility operated by the cabinet, except for prisoners transferred in accordance with KRS 202A.201 shall be charged for board, maintenance, and treatment. This administrative regulation establishes a rate for room, board, and treatment at the facilities operated by the Cabinet for Health and Family Services. This charge rate reflects the actual cost of providing these services to clients.

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: There are sixteen (16) state operated facilities affected by this administrative regulation. This amendment will primarily affect patients admitted to facilities operated by the cabinet who have the resources to pay for their care, or who have third party payers other than Medicaid or Medicare.

(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:
This administrative regulation will assure that state operated facilities have sufficient revenues to provide the same level of care to indigent citizens as at present.

(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: Each facility will be required to change the charge rates in their billing system.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will not be any cost to comply with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This change will ensure that the facilities are reimbursed appropriately for services and treatments they rendered.

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

(a) Initially: There will not be an initial cost to implement this administrative regulation.

(b) On a continuing basis: There will not be an ongoing cost 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: Agency funds. The facilities operated by the cabinet will be required to change the charge rates on their computerized billing systems.

(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: This administrative regulation adjusts the charge rates as established by this amendment. These changes are needed to continue the provision of inpatient care at current levels. No increase in funding will be needed because functions of billing and financial record keeping for state operated facilities are currently in place.

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

amendment to this administrative regulation establishes charges for room, board, and treatment at state operated facilities that are currently below cost. Per diem rates are set utilizing the facilities most recently completed cost reports.

(9) Tiering: Is tiering applied? Tiering is not appropriate in this administrative regulation because all facility rates are set based on actual cost.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation impacts the sixteen (16) state operated facilities.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 210.720(2)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
This administrative regulation will ensure appropriate charges for services to clients receiving treatment in any of the 16 state operated facilities.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation does not generate revenue for either the state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation does not generate any revenue.

(c) How much will it cost to administer this program for the first year? There will not be any cost associated with administering this regulation in the first year.

(d) How much will it cost to administer this program for subsequent years? There will not be any cost related to administering this regulation in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): This administrative regulation does not generate any revenue.

Expenditures (+/-): This administrative regulation sets per diem rate for facilities operated by the cabinet.

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Mental Health and Mental Retardation Services
Division of Administration and Financial Management
(Amendment)

908 KAR 3:060. "Means test" for determining patient liability.

RELATES TO: KRS 210.710, 210 720, and 210.730

STATUTORY AUTHORITY: KRS 194A.050, 210.710(4), 210.720(3), 210.750

NECESSITY, FUNCTION, AND CONFORMITY: KRS 210.710(4) and 210.720(3) require the Secretary to adopt a "Means test" for determining the ability to pay of the patient or person responsible for the patient for board, maintenance and treatment at a facility operated or utilized by the Cabinet for Health and Family Services, for the mentally ill or mentally retarded. This administrative regulation establishes the "Means test" for making that determination.

Section 1. Definitions. (1) "Allowed deduction" means an amount disregarded or deducted from income and assets for the purpose of determining the ability to pay for services rendered by a facility.

(2) "Available assets" means resources of the patient or person responsible for the patient in accordance with KRS 210.720(3), less the applicable protections specified in Section 2(7) of this administrative regulation.

(3) "Deductible" means an amount that a patient or person responsible for the patient is expected to pay toward their care by a third-party payor such as Medicare or a private insurance company.

(4) "Facility" is defined in KRS 210.710(2).

(5) "Income" means funds received by the patient or person responsible for the patient and includes the following:

(a) Salaries;

(b) Wages;

(c) Self-employed gross revenues, less operating expenses;

(d) Benefit payments, except for Supplemental Security Income payments;

(e) Social Security payments;

(f) Rents;

(g) Royalties;

(h) Pensions;

(i) Retirement payments;

(j) Veteran's Administration payments;

(k) Black lung benefits;

(l) Railroad retirement benefits;

(m) Gifts;

(n) Settlements;

(o) Trust receipts;

(p) Alimony, but does not include child support payments;

(q) Interest income; and

(r) Income from investments.

(6) "Patient" means a person admitted to a facility.

(7) "Person responsible for the patient" is defined in KRS 210.710(5).

(8) "Personal Needs Allowance" means an amount of resources deducted from income for the patient's personal needs, including clothing and other miscellaneous items required by the patient.

(9) "Poverty Guidelines" means the latest federal poverty measurement guidelines issued by the United States Department of Health and Human Services and published annually in the Federal Register, under the authority of 42 U.S.C. 9902(2).

Section 2. Determination of the Ability to Pay for Services Rendered at Facilities. (1) The facility shall apply the means test to each patient who is admitted to the facility for treatment.

(2) The means test shall include a determination of the responsible party or parties to pay for the patient's care, which shall be documented using the "PATIENT OR RESPONSIBLE PARTY FINANCIAL RECORD" form. This form shall be explained to the patient or person responsible for the patient and signed by all parties. If the patient or person responsible for the patient refuses to sign, this refusal shall be noted on the form along with the date the form was discussed. Refusal to sign the form shall not absolve the liability of the patient or person responsible for the patient to pay for services rendered.

(3) The amount a patient or person responsible for the patient is required to pay for services shall be the lesser of:

(a) The cost per patient day in accordance with 908 KAR 3.050, less any amount paid by Medicare, Medicaid, and other third-party payment sources; or

(b) The amount the patient is deemed able to pay in accordance with this administrative regulation.

(4) The facility shall determine the financial resources available to the patient or person responsible for the patient including:

(a) Insurance and third-party payors;

(b) Income received or expected to be received during the period of hospitalization; and

(c) Available assets.

(5) The following shall be allowed deductions from income:

(a) Federal income taxes;

(b) State income taxes;

(c) Social security taxes;

(d) Normal retirement contributions;
(e) Unpaid medical and dental bills;
(f) Health insurance premiums;
(g) Medicare Part B insurance premiums;
(h) Long-Term Care insurance premiums;
(i) A personal needs allowance of forty (40)dollars per month;
(j) Student loan payments;
(k) Bed-hold reservation costs at another facility for up to fourteen (14) days as long as the patient's stay is expected to be shorter than the reservation period;
(l) Child support payments;
(m) Life insurance premiums if the patient's estate or a funeral home is the named beneficiary on the policy; and
(n) A basic maintenance allowance, derived from the Poverty Guidelines, as contained in the Basic Maintenance Allowance Table of Section 3(6) of this administrative regulation for the size of the patient's family if the following conditions are met:
1. The patient was maintaining a residence immediately prior to admission;
2. The residence will continue to be maintained during the period of hospitalization and resources of the patient are needed for this effort;
3. Facility staff expects the patient's hospital stay to be three (3) months or less in duration; and
4. Dependents used in the calculation of the basic maintenance allowance shall include a legally-recognized spouse and each individual less than eighteen (18) years of age and in the patient's care.
(6) An estimated income tax related deduction of twenty-five (25) percent of total income shall be allowed in lieu of the actual wage taxes contained in subsection (5) of this section. A patient or person responsible for the patient may request that actual tax amounts be used instead of the estimated deduction if they can substantiate the actual tax amounts.
(7) The following shall be excluded from the calculation of available assets:
(a) Prepaid burial plans of up to $1,500 per family member;
(b) Automobiles;
(c) Housing structures;
(d) Land;
(e) Retirement accounts;
(f) Pension funds;
(g) Trust funds that cannot be accessed;
(h) The applicable amount contained in the Ability To Pay Assets Table of Section 3 of this administrative regulation for the size of the patient's family using the dependent counting guidelines contained in subsection (5)(n)4 of this section; and
(i) Other assets that are exempted under state law, if any.

Section 3. Calculation of the Amount the Patient or Person Responsible for the Patient is Able to Pay.
(1) The facility shall calculate the ability to pay amount utilizing either the "ABILITY TO PAY WORKSHEET" or the "DEDUCTIBLE ABILITY TO PAY WORKSHEET" as appropriate:
(a) Determine the total amount of income of the patient or person responsible for the patient;
(b) Determine the amount of allowed deductions from income in accordance with Section 2(5) of this administrative regulation;
(c) Subtract the allowed deductions from income; and
(d) The remaining available income shall be divided by 365 to obtain the average daily income of the patient or person responsible for the patient.
(2) If the patient or person responsible for the patient has available assets, the facility shall:
(a) Determine the amount of available assets in accordance with Section 2(7) of this administrative regulation; and
(b) Include available assets that remain after the deduction in the patient or person responsible for the patient's ability to pay amount.
(3) Payments to be made on behalf of the patient by a third-party, such as Medicare, Medicaid, or private insurance companies, shall be subtracted from the facility's per diem rate as contained in 908 KAR 3:050. Any remaining liability shall be satisfied as follows with the exception of ability to pay amounts arising from deductibles:
(a) The available income of the patient or person responsible for the patient shall first be applied to the patient's liability for services;
(b) Any liability that remains after application of the average available income shall be satisfied by available assets; and
(c) The applicable average income per day and available asset amount per day shall be combined to determine the ability to pay amount. The ability to pay amount shall be charged for each day the patient is in the facility.
(4) Ability to pay liabilities arising from deductibles shall first be applied to available assets of the patient or person responsible for the patient with any remaining liability being satisfied with available income.
(5) If the Department for Medicaid Services performs an income assessment for a Medicaid patient residing in a nursing facility, intermediate care facility for the mentally retarded, or psychiatric hospital in accordance with 907 KAR 1:655, that Medicaid income assessment shall be relied upon in lieu of the ability to pay provisions established in this administrative regulation.
(6) After the ability to pay is determined for the patient or person responsible for the patient, a "PATIENT OR RESPONSIBLE PARTY FINANCIAL AGREEMENT AND ASSIGNMENT" form shall be completed. This form shall be explained to the patient or person responsible for the patient and signed by all parties. If the patient or person responsible for the patient refuses to sign, this refusal shall be noted on the form including the date the form was discussed. Refusal to sign the form shall not absolve the liability of the patient or person responsible for the patient to pay for services rendered.
(7) The patient liability shall be calculated based on the United States Department of Health and Human Services poverty threshold guidelines. The poverty guidelines shall be as follows:
(a) The Poverty guidelines effective July 1, 2007 through June 30, 2008 are as follows:

TABLE I. BASIC MAINTENANCE ALLOWANCE TABLE	
Size of Family	Allowed deduction from income*
1	$9,800[~~10,210~~]
2	$13,200[~~13,690~~]
3	$16,600[~~17,170~~]
4	$20,000[~~20,650~~]
5	$23,400[~~24,130~~]
6	$25,210[~~27,610~~]
7	$28,390[~~31,090~~]
8	$31,570[~~34,570~~]

*For each additional dependent, add $2,400[~~3,480~~] dollars.

TABLE II. ABILITY TO PAY ASSETS TABLE	
Size of Family	Allowed Deduction from Assets*
1	$2,000
2	$4,000
3	$4,050
4	$4,100

*For each additional dependent, add fifty (50) dollars

(b) The Poverty Guidelines effective July 1, 2008 shall be:

TABLE I BASIC MAINTENANCE ALLOWANCE TABLE	
Size of Family	Allowed deduction from income*
1	$10,400
2	$14,000
3	$17,600
4	$21,200
5	$24,800
6	$28,400
7	$32,000
8	$35,600

*For each additional dependent, add $3,600 dollars.

TABLE II ABILITY TO PAY ASSETS TABLE	
Size of Family	Allowed Deduction from Assets*
1	$2,000

2	$4,000
3	$4,050
4	$4,100

*For each additional dependent, add fifty (50) dollars

Section 4. Revisions to Ability to Pay Amounts. (1) Facility staff shall update a patient's ability to pay amount to incorporate changes that take place subsequent to the initial determination. These changes may include:

(a) Income revisions;

(b) Asset revisions including exhaustion of available assets;

(c) Change in allowed deductions;

(d) Change in a dependent of the patient or person responsible for the patient; or

(e) Change regarding the status of the person responsible for the patient.

(2) Upon a change to the ability to pay information, a revised "ABILITY TO PAY WORKSHEET" or "DEDUCTIBLE ABILITY TO PAY WORKSHEET" shall be prepared along with a revised "PATIENT OR RESPONSIBLE PARTY FINANCIAL RECORD" form and a revised "PATIENT OR RESPONSIBLE PARTY FINANCIAL AGREEMENT AND ASSIGNMENT" form. The revised forms shall be presented to the patient or person responsible for the patient in the same manner as the original forms.

Section 5. Failure to Provide Financial Information or to Assign Benefits. (1) If the patient or person responsible for the patient fails to or will not provide the information necessary to calculate the ability to pay amount, the maximum charge provided in Section 2(3)(a) of this administrative regulation shall be assessed.

(2) If the patient or person responsible for the patient fails to sign the assignment provision contained in the "PATIENT OR RESPONSIBLE PARTY FINANCIAL AGREEMENT AND ASSIGNMENT" form, the maximum charge provided in Section 2(3)(a) of this administrative regulation shall be assessed.

Section 6. Payment Hardship, Appeal and Waiver Procedures. (1) Payment hardships.

(a) If the patient or person responsible for the patient believes that payment of the ability to pay amount results in a financial hardship, the patient or person responsible for the patient may request to make installment payments.

(b) This request shall be made in writing to the facility's patient billing supervisor and shall include documentation to support the claimed hardship.

(c) The patient billing supervisor shall review the financial hardship request and render a payment plan decision within fifteen (15) days from the receipt of the hardship request.

(2) Appeals.

(a) If the patient or person responsible for the patient is aggrieved by the facility charges or a payment plan determined in accordance with this administrative regulation that person, may appeal the determination to the facility director or the facility director's designee for informal resolution within thirty (30) days of the ability to pay amount or payment plan being calculated.

(b) The facility director or the facility director's designee shall review the appeal and issue a determination within thirty (30) days of receipt.

(c) If the patient or person responsible for the patient is dissatisfied with the informal resolution, that person may file an appeal within thirty (30) days of the facility's response to the Director of the Division of Administration and Financial Management, Department for Mental Health and Mental Retardation Services, 100 Fair Oaks Lane, 4th Floor, Frankfort, Kentucky 40621-0001. The director shall arrange for an administrative hearing in accordance with KRS Chapter 13B.

(d) The appeal request shall fully explain the patient's or person responsible for the patient's position and include all necessary supporting documentation.

(3) Waivers.

(a) The director of each facility may waive payment of his or her facility's charges under this administrative regulation if waiver is deemed to be in the best interest of all parties.

(b) The Director of the Division of Administration and Financial Management shall have the authority to waive payment at any facility within the department if waiver is deemed to be in the best interest of all parties.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "MHMR 3.060-1 ABILITY TO PAY WORKSHEET", June 2008[~~March 2007~~];

(b) "MHMR 3.060-2 DEDUCTIBLE ABILITY TO PAY WORKSHEET", June 2008[~~March 2007~~];

(c) "MHMR 3 060-3 PATIENT OR RESPONSIBLE PARTY FINANCIAL AGREEMENT AND ASSIGNMENT", August 2004; and

(d) "MHMR 3 060-4 PATIENT OR RESPONSIBLE PARTY FINANCIAL RECORD", March 2006.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Mental Health and Mental Retardation Services, 100 Fair Oaks Lane, Frankfort, Kentucky 40621-0001, Monday through Friday, 8 a.m. to 4.30 p.m.

JOHN M. BURT, Commissioner
JANIE MILLER, Secretary

APPROVED BY AGENCY: March 14, 2008

FILED WITH LRC: March 14, 2008 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if request, be held on April 21, 2008, at 9 a.m. in the Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by April 14, 2008, five 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. The hearing is open to the public. Any person who attends 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 attend the public hearing, you may submit written comments on the proposed administrative regulation until the close of business April 30, 2008. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Jill Brown, Cabinet for Health and Family Services, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Ky 40601, phone (502) 564-7905, fax (502) 564-7573.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Glenn Bryant or Ijeoma Eneje

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation requires the Secretary of the Cabinet for Health and Family Services to adopt a "means test" for determining the ability to pay of the patient or person responsible for the patient for board, maintenance and treatment at a facility operated or utilized by the cabinet for the mentally ill or mentally retarded.

(b) The necessity of this administrative regulation: This administrative regulation is necessary in order to establish a homogeneous methodology to determine the ability of a patient or person responsible for the patient to pay for services received at a facility operated or utilized by the cabinet for the mentally ill or mentally retarded.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 210.710 to KRS 210.760 requires the cabinet to adopt a "means test" to determine the ability to pay of a patient who receives services at a facility for the mentally ill or mentally retarded operated or utilized by the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists the cabinet in determining the entire financial resources available to a patient or person responsible for the patient.

(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: This administrative regulation is being amended to update the Basic Maintenance Allowances table based on the most recent version of the Federal poverty guideline allowance amounts.

(b) The amendment to this administrative regulation is necessary to: revise tables related to benefit and support limits based on Federal poverty guidelines in order to accurately determine the ability to pay of the patient or person responsible for the patient for board, maintenance and treatment at a facility operated or utilized by the cabinet for the mentally ill or mentally retarded.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 210.710 to 210.760 requires the cabinet to adopt a "means test" to determine the ability to pay of a patient who receives services at a facility for the mentally ill or mentally retarded operated or utilized by the cabinet.

(d) How the amendment will assist in the effective administration of the statutes: KRS 210.720 requires the cabinet to adopt a "means test" to determine the ability to pay of a patient. This amendment to 908 KAR 3 060 allows the cabinet to more accurately assess the entire financial resources available to a patient or person responsible for the patient.

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: There are sixteen (16) state operated facilities affected by this administrative regulation. This amendment will primarily affect patients admitted to facilities operated by the cabinet.

(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:
This administrative regulation will assure that state operated facilities equitably charge patients served.

(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: Facility staff will be required to assess the financial resources of the clients or clients' financially responsible party.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation allows facilities to assess and recoup costs associated with treatment and services. No resident presented for admission shall be denied treatment due to their inability to pay.

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

(a) Initially: There is no cost to implement this administrative regulation.

(b) On a continuing basis: There is no cost 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: There is not an additional cost to implement and enforce this administrative regulation.

(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: This administrative regulation will not generate any increase in fees or funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment to this administrative regulation does not increase fees to a patient or to the cabinet.

(9) Tiering: Is tiering applied? Tiering is not appropriate in this administrative regulation because the "Means Test" to determine ability to pay apply equally to all patients.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The 16 state operated facilities are impacted by this administrative regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 210.710, 210.728

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation allows facilities to asses and recoup costs associated with treatment and services

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue

(c) How much will it cost to administer this program for the first year? There is not cost to administer this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? There is not a cost to administer this administrative regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): This administrative regulation will not generate any revenue.

Expenditures (+/-): This administrative regulation uses the federal poverty guideline to determine a client's ability to pay for services provided.

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(Amendment)

922 KAR 1:310. Standards for child-placing agencies.

RELATES TO: KRS 2.015, 17.165, 17.500(8), 158.135(1)(c), 194A.060, 199.011, 199.430(3), 199.470, 199.492, 199.493, 199.510, 199.520, 199.570, 199.572, 199.590, 199 640, 199 645, 199.650-199.670, 202A.011(12), 202B.010(12), 216.300, 273.161(7), 311.720(9), 311.840(3), 314.011(5), (7), (9), 503.110(1), 527.100, 527.110, 600.020, 605.090(1), 610.110(6), 615.010-615.990, 620 020, 620.030, 620.090(2), 620.140(1)(d), 620 230(3), 625.040, 625 043, 16 C.F.R. 1508 and 1509, 45 C.F.R. Parts 160, 164, 1355.34, 8 U.S.C. 1151, 42 U.S.C. 671(a)(23), 42 U.S.C. 677(a)(1)-(6), 14901-14954

STATUTORY AUTHORITY: KRS 194A.050(1), 199.640(5)(a), 605.150, 615.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 199.640(5)(a) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations establishing basic standards of care and service for child-caring facilities and child-placing agencies. KRS 605.150 permits the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605. This administrative regulation establishes basic standards for child-placing agencies.

Section 1. Definitions. (1) "Adequate supervision" means adult oversight of a child's activities with consideration of the child's past and current:

(a) Incidents;

(b) High risk behaviors; and

(c) Needs.

(2) "Adoption" means the legal process by which a child becomes the child of a person or persons other than biological parents.

(3) "Aftercare" means services provided to the child after discharge from a child-placing agency.

(4) "Applicant" means an individual or a family subject to approval by the child-placing agency as a:

(a) Foster home; or

(b) Adoptive home.

(5) "Board of directors" is defined by KRS 273.161(7).

(6) "Case management" means a process whereby a state agency or child-placing agency assesses the individualized needs of a child or family, arranges for the provision of services, and maintains documentation of actions and outcomes.

(7) "Child" is defined by KRS 199.011(4) and 600.020(8) and may include:

(a) A person age eighteen (18) or older whose commitment to the cabinet has been extended or reinstated by a court in accordance with KRS 610.110(6) or 620.140(1)(d); or

(b) A child who meets the exceptions to the age of majority in accordance with KRS 2.015.

(8) "Child-placing agency" is defined by KRS 199.011(7).

(9) "Community resource" means a service or activity available in the community that shall supplement those provided by the child-placing agency in the care and treatment of a child.

(10) "Executive director" means the person employed by the board of directors to be responsible for the overall administration and management of a child-placing agency.

(11) "Home study" means an assessment done on a prospective foster or adoptive home by a social services worker.

(12) "Independent living program" means a planned program that:

(a) Is licensed by the cabinet and designed to teach a child age sixteen (16) or older life skills that enable a child to become self-sufficient; and

(b) Meets requirements specified in Section 17(1) of this administrative regulation.

(13) "Independent living services" means services provided to an eligible child, as described in Section 16 of this administrative regulation, to assist the child in the transition from dependency of childhood to living independently.

(14) "Individual treatment plan" or "ITP" means a plan of action developed and implemented to address the needs of a child.

(15) "Licensed health care professional" is defined by KRS 216.300(1).

(16) "Medically-fragile child" means a child who is determined to have a medical condition as specified in 922 KAR 1:350.

(17) "Mental health treatment" means services provided to an individual determined to have emotional, mental, or behavioral problems.

(18) "Placement" means a foster or adoptive home that has been approved by completing an application process, home study and required preparation.

(19) "Program director" means the person responsible for supervising the day-to-day operation of the program.

(20) "Respite care" means temporary care provided by another individual or family to:

(a) Provide relief to a foster care parent, therapeutic foster care parent, or medically-fragile foster parent; or

(b) Allow an adjustment period for the child placed in out-of-home care.

(21) Sex crime is defined by KRS 17.500(8).

(22) "Social services" means a planned program of assistance to help an individual move toward a mutual adjustment of the individual and the individual's environment.

(23) "Social services worker" means a person who meets the qualifications as specified in Section 2(4)(c) of this administrative regulation.

(24) "Supervision Plan" means a written supplement to a child's ITP, developed pursuant to Section 6(7)(b)2 of this administrative regulation, that details a child-placing agency's roles and responsibilities to assure adequate supervision of a child in the agency's care, including those roles and responsibilities delegated to a foster home parent.

(25) "Therapeutic foster care" is defined by KRS 158.135(1)(c).

(26) "Therapeutic services" means clinical or supportive services provided to a child with severe emotional or behavioral needs.

(27) "Treatment director" means an individual who meets the qualifications as specified in Section 2(4)(d) of this administrative regulation.

Section 2. Administration and Operation. (1) Licensing procedures.

(a) Licensing procedures for a child-placing agency shall be administered pursuant to 922 KAR 1:305.

(b) An independent living program is an optional component of the child-placing agency's license.

(c) A child-placing agency shall obtain accreditation within two (2) years of initial licensure or within two (2) years of acquiring an agreement with the cabinet to provide private child care services, whichever is later. Accreditation shall be from a nationally-recognized accreditation organization, such as:

1. The Council on Accreditation; or

2. The Joint Commission on Accreditation for Healthcare Organizations.

(2) Board of directors. The child-placing agency shall have a board of directors, or an advisory board if the child-placing agency is a privately-held for-profit organization, that shall:

(a) Consist of a minimum of seven (7) members;

(b) Meet at least quarterly;

(c) Cause minutes of the meeting to be taken and kept in written form;

(d) Be responsible for and have the authority to ensure the continuing compliance with the requirements established by this administrative regulation;

(e) Approve a mission statement delineating the:

1. Purpose;

2. Objective;

3. Scope of services to be provided; and

4. Intake policy specifying the type of child to be accepted for care;

(f) Hire, supervise, and annually evaluate the executive director of the child-placing agency; and

(g) Delineate in writing the duties of the executive director.

(3) Executive director.

(a) The executive director shall:

1. Be responsible for the child-placing agency and its affiliates, pursuant to the child-placing agency's written policies and procedures;

2. Oversee all aspects of the child-placing agency; and

3. Report to the board, on a quarterly basis, the following:

a. Evaluation of program services;

b. Measure attainment of the goals and objectives established pursuant to subsection (2)(e)2 of this section;

c. Staff training; and

d. Incident reports.

(b) The criteria and process of this evaluation shall be approved by the board annually.

(c) If the executive director is not available, a designated staff person shall be responsible for the day-to-day operation of the child-placing agency.

(4) Staff qualifications.

(a) An executive director shall possess the following qualifications:

1.a. A master's degree in any of the following human services fields:

(i) Social work;

(ii) Sociology;

(iii) Psychology;

(iv) Guidance and counseling;

(v) Education;

(vi) Religious education;
(vii) Business administration;
(viii) Criminal justice;
(ix) Public administration;
(x) Child-care administration;
(xi) Nursing;
(xii) Family studies; or
(xiii) Another human service field related to working with families and children; and
b. Two (2) years of work experience in a human services program; or
2. A bachelor's degree with a major in a discipline designated in subparagraph 1 of this paragraph, and four (4) years work experience in a human services program.
(b) A licensed child-placing agency shall have one (1) member of the social work staff designated as program director who shall hold:
1. A master's degree in social work or in a discipline designated in paragraph (a)1 of this subsection; or
2.a. A bachelor's degree in social work or in a discipline designated in paragraph (a)1 of this subsection; and
b At least two (2) years professional experience in working with a child or family.
(c) A social services worker shall:
1. Be responsible for social work, counseling or planning and coordinating services to a child; and
2. Hold at least a bachelor's degree in social work or a human services field.
(d) A treatment director shall:
1. Oversee the day-to-day operation of the treatment program;
2. Hold at least a master's degree in a human services discipline; and
3. Have at least five (5) years total experience in mental health treatment, with a minimum of three (3) years experience in mental health treatment of children with emotional or behavioral disabilities and their families.
(e)1. A child-placing agency contracting for the service of a social services worker not on the staff of the child-placing agency shall obtain documentation that the social services worker meets the qualifications in paragraph (c) of this subsection.
2. An agreement for this provision of service shall be on file at the child-placing agency and shall specify the qualifications of the social services worker.
(f) The program director shall supervise social service staff.
(g) In a therapeutic foster care program, approval and evaluation of services shall be carried out by a person meeting the qualifications of a treatment director.
(h) Social services staff shall not carry a caseload of more than twenty (20) children.
(5) Personnel policy.
(a) A child-placing agency shall have and comply with written personnel policies and procedures.
(b) An employee shall:
1. Be at least eighteen (18) years of age;
2. Submit to a criminal background check in accordance with KRS 17.165 and a central registry check in accordance with 922 KAR 1:470; and
3. Submit to a new criminal background check in accordance with KRS 17.165 and central registry check in accordance with 922 KAR 1:470 at least once every two (2) years.
(c)1. A person against whom has been made a substantiated allegation of abuse, neglect, or exploitation of a child shall not be employed or volunteer in a position involving direct contact with a child.
2. The cabinet shall respond to allegations of abuse, neglect, or exploitation of a child in accordance with 922 KAR 1:330 and 922 KAR 1 480.
(d) A current personnel record shall be maintained for an employee that includes the following:
1. Name, address, Social Security number, date of employment, and date of birth;
2. Evidence of qualifications, including degree, current registration, certification, or licensure;
3. Record of participation in staff development;
4 Record of performance evaluation;
5. Criminal records and central registry checks pursuant to paragraph (b)2 and 3 of this subsection;
6. Record of a physical exam related to employment, as specified in the child-placing agency's policies and procedures;
7. Personnel action;
8. Application for employment, resume, or contract, and
9. Evidence of personnel orientation.
(e) The child-placing agency shall have an ongoing staff development program under the supervision of a designated staff member.
(f) An employee under indictment, legally charged with felonious conduct, or subject to a cabinet investigation in accordance with 922 KAR 1:330 shall.
1. Be immediately removed from contact with a child; and
2. Not be allowed to work with the child until:
a. A prevention plan has been written and approved by a designated regional cabinet staff,
b. The person is cleared of the charge; or
c. A cabinet investigation reveals an unsubstantiated finding, if the charge resulted from an allegation of child:
(i) Abuse;
(ii) Neglect; or
(iii) Exploitation.
(g) Unless the volunteer is a practicum student, a volunteer who performs a similar function as paid staff described in subsection (4) of this section shall meet the same requirements and qualifications.
(h) Practicum students and volunteers shall submit to a background check and any other mandatory requirements listed in subsection (5)(b) and (c) of this section.
(i) A current personnel record shall be maintained for a practicum student or volunteer that includes the following:
1. Name, address, Social Security number, starting date, and date of birth;
2. Evidence of qualifications if the volunteer performs a similar function as paid staff; and
3. Criminal records and central registry checks pursuant to paragraph (h) of this subsection.

Section 3. Interstate Placement. (1) Prior to accepting a child from another state or prior to placing a child outside Kentucky, the child-placing agency shall comply with:
(a) KRS 615 030 to 615 040, Interstate Compact on Placement of Children;
(b) KRS 615.010, Interstate Compact on Juveniles; and
(c) 42 U.S.C. 671(a)(23).
(2) If a child committed to the cabinet makes a brief visit out of state, not accompanied by child-placing agency personnel, the child-placing agency shall obtain prior consent of designated regional cabinet staff.
(3) A child-placing agency shall comply with subsection (1) of this section, if a child placed with the child-placing agency visits or receives respite care in another state for a period to exceed:
(a) Thirty (30) days; or
(b) The child's school vacation period.
(4) If an emergency placement of a child into a licensed child-placing agency is made, compliance with KRS 615.030 to 615.040 shall be the responsibility of the placement source.

Section 4. Evaluation of an Applicant. (1) A child-placing agency's social services staff shall recruit a prospective foster or adoptive home.
(2) A child-placing agency shall:
(a) Complete a home study; and
(b) Approve the home prior to the placement of a child.
(3) Documentation of the home study shall include the following:
(a) A personal interview with each member of the applicant's household;
(b) An assessment of the attitude of each member of the applicant's household toward the placement of a child into the home or adoption;

(c) Observations of the functioning of the applicant's household, including interpersonal relationships and patterns of interaction;

(d) The applicant's ability to accept a child's relationship with the child's family of origin;

(e) Proof of the applicant's:

1. Identity, such as a federally or state-issued photo identification card;

2. Age of twenty-one (21) years or older; and

3. United States citizenship, such as a birth certificate, or legal alien status, such as a permanent resident card, as described in 8 U.S.C. 1151;

(f) A statement for each member of the applicant's household that shall be signed by a licensed physician or licensed health care professional verifying that the individual:

1. Is free of a communicable or infectious disease; and

2. Has no illness or condition that would present a health or safety risk to a child placed in the applicant's home;

(g) A signed statement by a licensed physician or licensed health professional regarding the applicant's physical ability to provide necessary care for a child;

(h) Verification that the applicant has a source of income separate from:

1. Foster care reimbursement; or

2. Adoption assistance;

(i) The name of three (3) personal references who:

1. Are not related to the applicant; and

2 a. Shall be interviewed by the child-placing agency staff in person or by telephone; or

b. Shall provide letters of reference for the applicant;

(j) Verification that the applicant's financial stability has been assessed and approved in accordance with a child-placing agency's written policies and procedures;

(k) Documentation of any interview with an adult child of the applicant, who does not live in the applicant's home, regarding the applicant's parenting history;

(l) If applicable, verification from the applicant regarding a:

1. Previous divorce;

2. Death of a spouse; and

3. Present marriage;

(m) If the applicant does not have custody of the applicant's own child:

1. A copy of a visitation order;

2. A copy of a child support order; and

3 Proof of current payment of child support;

(n) Proof that the child-placing agency performed background checks on the applicant and any member of the applicant's household in accordance with criteria established in 922 KAR 1:490;

(o) Documentation that the applicant has access to:

1. Transportation that meets the child's needs;

2. School;

3. Recreation;

4. Medical care; and

5. Community facilities;

(p) If an applicant or household member will be transporting a foster child, proof that the individual possesses a valid driver's license and has automobile or driver's insurance coverage;

(q) Documentation that the applicant's home:

1. Does not present a hazard to the health and safety of a child;

2. Is well heated and ventilated,

3. Complies with state and local health requirements regarding water and sanitation; and

4. Provides in- or out-of-door recreation space appropriate to the developmental needs of a child placed in the applicant's home;

(r) Verification that:

1. No more than four (4) children, including the applicant's own children, shall share a bedroom; and

2. A foster parent shall not share a bedroom with a child in the custody of a state agency, unless prior approval is obtained from the state agency;

(s) Verification that an individual bed.

1. Is provided for each child in the home;

2. If the child is under age one (1), a crib that meets the Consumer Products Safety Commission Standards pursuant to 16 C.F.R. 1508 and 1509; and

3. Is age and size appropriate for the child;

(t) Verification that:

1. Medication is locked; and

2. The following are inaccessible to a child:

a. Alcoholic beverages;

b. [and] poisonous or hazardous materials [~~are inaccessible to the child~~]; and

c [~~3~~] Ammunition and firearms in accordance with KRS 527.100 and 527.110 [~~are locked and stored separately~~];

(u) Proof that the applicant has:

1. First aid supplies with unexpired dates available and stored in a place easily accessible by the foster parent;

2. A working telephone, and

3. A working smoke alarm within ten (10) feet of each bedroom;

(v) If a business open to the public adjoins the applicant's household, consideration of potential negative impacts on the child and family, including:

1. Hours of operation;

2. Type of business; and

3. Clientele; and

(w) If an applicant was approved to foster or adopt a child by another child placing agency or the cabinet and the applicant's home was closed, verification of the closure and a statement to indicate whether the closure was at the request of the applicant or the agency [~~previously denied or approval to foster or adopt a child by another child-placing agency or the cabinet, verification of the denial or closure, and indication of whether the closure was at the request of the foster parents or the agency~~].

(4) Exception to subsection (3)(e)2 of this section may be granted if the applicant is:

(a) Between eighteen (18) and twenty-one (21) years of age;

(b) A relative of the child to be placed in the applicant's home, and

(c) Able to meet the needs of the child to be placed in the applicant's home.

(5) For each potential applicant evaluated, the child-placing agency shall keep a written record of the findings of the home study and the evidence on which the findings are based.

(6)(a) Following approval as a foster home, the approving child-placing agency may request written approval from the state agency with custody of the child, for the foster home to provide services as a certified:

1. Provider of Supports for Community Living in accordance with 907 KAR 1:145;

2. Therapeutic foster care provider for adults in accordance with 907 KAR 3 030; or

3. Family child care home in accordance with 922 KAR 2:100.

(b) Except as provided in paragraph (a) of this subsection, an approved foster home shall not simultaneously:

1. Provide day care center services in accordance with 922 KAR 2.090; and

2. Be used as a licensed or certified health care or social service provider.

(7) An employee of the department who provides protection and permanency services shall be prohibited from becoming a foster parent or respite care provider for a child in the custody of the cabinet, unless the:

(a) Employee was a foster parent or respite care provider for the child at the time employment with the department in protection and permanency services began; and

(b) Commissioner approves, in writing, the employee to be a foster parent or respite care provider for the child.

(8) An employee of the department who provides protection and permanency services may apply to adopt a child in the custody of the cabinet if the:

(a) Employee had:

1. No relationship with the child or a parent of the child prior to the termination of parental rights in accordance with KRS Chapter 625, unless the employee is a relative of the child; or

2. Adopted a sibling of the child available for adoption; and

(b) Commissioner approves, in writing, the employee to adopt.

(9)(a) A child-placing agency shall develop written policies and procedures regarding employees of the child-placing agency serving as:

1 A foster parent;

2. An adoptive parent, or

3. A respite care provider.

(b) Policies and procedures developed in accordance with paragraph (a) of this subsection shall address the prevention or appearance of.

1. A conflict of interest; or

2. Misuse of influence.

(10) A child-placing agency may make an exception to subsection (3)(t)1 of this section if.

(a) The exception is documented in the ITP of a child placed in the foster or prospective adoptive home;

(b) The child is learning to self-administer medicine under the supervision of the foster or prospective adoptive parent or other caretaker; and

(c) Measures are taken to prevent unauthorized access by another child in the same home.

(11) If an applicant is approved as a foster home, adoptive home, or respite care provider by a state agency or another child-placing agency, a child-placing agency shall:

(a) Conduct a home study in accordance with subsections (2), (3), and (5) of this section; and

(b)1. Document that the applicant meets training requirements in accordance with Section 5, 7, 10, 13, or 19 of this administrative regulation; and

2. If an applicant lacks training in accordance with subparagraph 1 of this paragraph, the child-placing agency shall, prior to placement of a child in the home:

a. Provide training in accordance with Section 5, 7, 10, 13, or 19 of this administrative regulation; or

b (i) Develop an individualized curriculum to fulfill unmet training needs; and

(ii) Document the applicant's compliance with the individualized curriculum.

Section 5. Orientation and Preparation of a Foster Home. A child-placing agency shall:

(1) Develop and maintain an orientation and preparation curriculum to be kept on file;

(2) Provide a minimum of twenty-four (24) hours of orientation and preparation to a prospective foster parent, to include the following:

(a)1. Child-placing agency program description with mission statement;

2. Information about the rights and responsibilities of the home; and

3. Background information about the foster child and the child's family, including information in accordance with KRS 605.090(1)(b);

(b) An example of an actual experience from a foster parent that has fostered a child;

(c) Information regarding:

1. The stages of grief;

2. Identification of the behavior linked to each stage;

3. The long-term effect of separation and loss on a child,

4. Permanency planning for a child, including independent living services;

5. The importance of attachment on a child's growth and development and how a child may maintain or develop a healthy attachment;

6. Family functioning, values, and expectations of a foster home;

7. Cultural competency;

8. How a child enters and experiences foster care, and the importance of achieving permanency; and

9 The importance of birth family and culture and helping children leave foster care;

(d) Identification of changes that may occur in the home if a placement occurs, to include·

1. Family adjustment and disruption;

2. Identity issues; and

3. Discipline issues and child behavior management; and

(e) Specific requirements and responsibilities of a foster parent.

(3) Maintain an ongoing foster home preparation and training program that:

(a) Provides a minimum of six (6) hours foster home training annually; and

(b) Maintains a record of preparation and training completed.

Section 6. Placement, Case Management, and Supervision of a Child in a Foster Home, Medically-fragile Foster Home, or Therapeutic Foster Care Home. (1) A child-placing agency shall:

(a) Place a child only in an approved foster home; and

(b) Keep a child who has been committed to the Department of Juvenile Justice for the commission of a sex crime in a separate foster home or prospective adoptive home from a child committed to the Cabinet in accordance with KRS 605 090(1), 620.090(2), and 620.230(3).

(2) A child-placing agency shall select a foster home for a child based upon the individual needs of the child, including:

(a) The child's assessment and ITP, if available;

(b) Any information concerning the child's needs in placement; and

(c) Measures to support the safety of the child, such as a placement restriction in accordance with subsection (1)(b) of this section, or another child in the foster home.

(3) A child shall participate in the intake process and in the decision that placement is appropriate, to the extent that the child's age, maturity, adjustment, family relationships, and the circumstance necessitating placement justify the child's participation.

(4)(a) The number of children residing in a foster home by a child-placing agency shall not exceed six (6), including the foster parent's own children.

(b) The number of children residing in a foster home that cares for a child in the custody of the cabinet shall not exceed five (5), including the foster parent's own children.

(5) A child-placing agency shall have a maximum of two (2) children under two (2) years of age placed in the same foster home at the same time, with the exception of a sibling group, who may remain together.

(6)(a) Justification for an exception to subsection (4)(a) or (5) of this section shall be:

1. Documented in the foster parent file; and

2. Authorized by the program director.

(b) For a foster home that cares for a child in the custody of the cabinet, the child-placing agency shall submit a written justification for an exception to subsection (4)(b) or (5) of this section in accordance with 922 KAR 1:350, Section 2(2).

(7) The child-placing agency shall:

(a) Assess a child to be placed in foster care;

(b) Within thirty (30) days of a child's placement, develop:

1. An ITP based upon the individual needs of the child and, if appropriate, the child's family, which addresses the:

a. Visitation, health, and educational needs of the child;

b. Child's permanency goals and related objectives;

c. Methods for accomplishing each goal and objective; and

d. Designation of an individual or individuals responsible for completion of each goal and objective;

2. A supervision plan for the child which:

a. Is attached to the child's ITP;

b. Identifies the current supervision needs of and expectations for the child based upon the child's recent and past.

(i) Incidents;

(ii) High-risk behaviors; and

(iii) Needs identified in the assessment conducted pursuant to paragraph (a) of this subsection;

c. Includes goals and objectives for the child's improvement with tasks assigned to the child-placing agency and foster home parent;

d. Is signed and dated by the social service worker and foster home parent; and

e. Remains a part of the child's record;

(c) Review a child's ITP and supervision plan on a quarterly basis or more frequently as the child's needs or circumstances dictate;

(d) Have a written agreement with the foster home stating the:

1. Responsibilities of the.

a. Child-placing agency; and

b. Foster home; and

2. Terms of each placement;

(e) Require a foster home to certify, in writing, that supervision from the child-placing agency or the state agency, which has custody of the child, shall be allowed;

(f) Document a placement in the foster home file;

(g) Report immediately to the state agency, which has custody of the child, if there is:

1. A life-threatening accident or illness;

2. An absence without official leave;

3. A suicide attempt;

4. Criminal activity by the child requiring notification of law enforcement;

5 Death; or

6. Possession of a deadly weapon by a child;

(h) Report, if applicable, within two (2) business days to the state agency, which has custody of the child, if there is a:

1. Change in address,

2. Change in the number of people living in the home; or

3. Significant change in the foster home, such as changes in health or income status of an individual living in the foster home;

(i) Establish policies and procedures for supervision of a foster home by a worker other than the social services worker assigned to the foster home, who meets qualifications specified in section 2(4)(c) of this administrative regulation to:

1. Include:

a. Frequency of an in-home visit with the foster parent;

b. Means of supervision;

c. Methods of supervision; and

d. Personnel conducting the supervision;

2. Ensure a foster child's placement stability and safety; and

3. Be individualized, as needed, for the:

a Child, or

b. Foster home;

(j) Identify and make available necessary supports to a foster home, including:

1. A plan for respite care in accordance with Section 13 of this administrative regulation,

2. Twenty-four (24) hour crisis intervention; and

3. A foster home support group;

(k) Assure that a child receives care and services, including independent living services·

1. In accordance with Section 16 of this administrative regulation, and

2. As prescribed by the child's needs as assessed in the child's ITP;

(l) Provide information to a foster parent regarding the behavior and development of the child placed by the child-placing agency;

(m) Inform the foster parent, in accordance with KRS 605.090(1)(b), of:

1. Inappropriate sexual acts or sexual behavior of the child as specifically known to the child-placing agency; and

2. Any behaviors of the child that indicate a safety risk for the placement;

(n) Document each effort to:

1. Protect the legal rights of the family and the child; and

2. Maintain the bond between the child and the child's family, in accordance with the child's permanency plan,

(o) Assure that a child shall have, for the child's exclusive use, clothing comparable in quality and variety to that worn by other children with whom the child may associate;

(p) Be responsible for monitoring the child's school progress and attendance;

(q) Secure psychological and psychiatric services, vocational counseling, or other services if indicated by the child's needs;

(r) Reassess and document quarterly, in the child's ITP, placement and permanency goals, including independent living services, in accordance with Section 16 of this administrative regulation;

(s) Conduct and document a face-to-face visit with the child at least once per month; and

(t) Maintain foster care records in accordance with Section 18 of this administrative regulation.

(8) Without prior notification to and written authorization from the Kentucky Interstate Compact Administrator, a child shall not be

(a) Placed with a family that normally resides in another state; or

(b) Permitted to go with a person to take up residence in another state

(9)(a) An approved foster home in use shall be evaluated on an annual basis for compliance with responsibilities listed in the written agreement described in subsection (7)(b) of this section.

(b) Results shall be recorded in the foster parent file.

(10) Factors that shall result in a review of a foster home shall include:

(a) Death or disability of a family member;

(b) Sudden onset of a health condition that impairs a foster parent's ability to care for a child placed in the home;

(c) Change in marital status or home address;

(d) Sudden, substantial decrease in, or loss of, income;

(e) Child birth;

(f) Use of a form of punishment that includes:

1. Cruel, severe, or humiliating actions;

2. Corporal punishment inflicted in any manner;

3. Denial of food, clothing, or shelter;

4. Withholding implementation of the child's ITP,

5. Denial of visits, telephone or mail contacts with family members, unless authorized by court of competent jurisdiction; and

6. Assignment of extremely strenuous exercise or work;

(g) A report of abuse, neglect, or dependency that results in a finding that is:

1. Substantiated, or

2. Reveals concern regarding the care of the child;

(h) If the foster parent is cited with, charged with, or arrested due to a violation of law other than a minor traffic offense;

(i) An incident required to be reported in accordance with Sections 6(7)(g) and (h), and 12(6) and (7) of this administrative regulation, or

(j) Other factors identified by a child-placing agency that jeopardize the physical, mental, or emotional well being of the child.

(11) The documentation of a review, specified in subsection (10) of this section, shall contain:

(a) Identifying information;

(b) Current composition of the household;

(c) Description of the situation that initiated the review;

(d) An assessment of the family functioning to determine if the child's needs are met; and

(e) Corrective action that may include a recommendation for closure of the foster home.

Section 7. Orientation and Preparation of a Therapeutic Foster Care Home. (1) A child-placing agency shall:

(a) Maintain the orientation and preparation curriculum on file; and

(b) Provide a minimum of thirty-six (36) hours of orientation and preparation for a prospective therapeutic foster care parent that shall incorporate the following topic areas

1.a. Child-placing agency program description with mission statement;

b. Information about the rights and responsibilities of the therapeutic foster care home, and

c. Background information about a foster child and the child's family;

2. An example of an actual experience of a therapeutic foster care parent that has fostered a child;

3 Stages of grief;

4. Behaviors linked to each stage of grief;

5. Long-term effects on a child from separation and loss;

6. Permanency planning for a child, including independent living services;

7. Importance of attachment on a child's growth and development and the way a child maintains and develops a healthy attachment, including attachment disorder and associated behaviors;

8. Family functioning, values, and expectations of a therapeutic foster care home;

9. Changes that may occur in the home with placement of a child regarding:

a. Family functioning;

b. Family adjustment;

c. Identity issues;

d. Discipline issues and child behavior management; and

e. Family disruption;

10. Specific requirements and responsibilities of a therapeutic foster care home;

11. Behavior management;

12. Communication skills;

13. Skill teaching;

14. Cultural competency;

15. Behavior management de-escalation techniques;

16. The dynamics of the sexually-abused child, and

17. The effect of chemical abuse or dependence by the child or the child's biological parent.

(2) A therapeutic foster care home shall receive a minimum of twenty-four (24) hours of annual training.

(3) A child-placing agency that provides therapeutic foster care shall maintain an ongoing therapeutic foster care preparation and training program that:

(a) Provides a minimum of twenty-four (24) hours of annual training; and

(b) Maintains a record of preparation and training completed.

Section 8. Additional Requirements for Therapeutic Foster Care. (1) A therapeutic foster care home shall accommodate the needs of a child who is unable to live with the child's own family and who:

(a) May benefit from care in a family setting; and

(b)1. Has clinical or behavioral needs that exceed supports available in a foster home; or

2. Is transitioning from group care as part of the process of returning to family and community.

(2) The number of children residing in a therapeutic foster care home that does not care for a child in the custody of the cabinet, shall be limited to a total of six (6) children, including no more than two (2) therapeutic foster care children.

(3) Justification for an exception to subsection (2) of this section shall be:

(a) Documented in the therapeutic foster care parent's file; and

(b) Authorized by the treatment director.

(4) The number of children residing in a therapeutic foster care home that cares for a child in the custody of the cabinet, shall be limited to a total of four (4) children, including no more than two (2) therapeutic foster care children.

(5) The child-placing agency shall request an exception to subsection (4) of this section in accordance with 922 KAR 1:350, Section 2(2).

(6) A treatment director shall supervise a treatment team and shall participate in the development of the ITP and the quarterly case consultation.

(7) A child-placing agency shall provide or contract, as specified in KRS 199.640(5)(a)(2), for therapeutic services individualized for the child, as needed, at least two (2) times per month.

(8) A therapeutic foster care parent shall be responsible for:

(a) Participation in the development of an assessment, ITP, and supervision plan as specified in Section 6(7) of this administrative regulation;

(b) Facilitation of in-home services provided by a social services worker at least two (2) times per month;

(c) Adequate supervision of the child and implementation of components of the ITP, including daily log documentation as specified in the ITP;

(d) Working with the child-placing agency to promote stability and avoid disruption for the child;

(e) Working with the child-placing agency in the development of a plan for the smooth transition of the child to a new placement, in the event of a disruption; and

(f) Providing independent living services for a child twelve (12) years of age or older consistent with a child's ITP.

(9) Except for a child who is the legal responsibility or in the custody of the cabinet or the Department of Juvenile Justice, the child-placing agency shall be responsible for:

(a) A preplacement conference, in a nonemergency placement, for the purpose of:

1. Developing permanency goals and a discharge plan for the child, including independent living services;

2. Developing a plan for the implementation of services;

3. Identifying the treatment goals; and

4. Developing a behavior management plan if applicable; and

(b) Inviting and encouraging attendance to the preplacement conference by:

1. The prospective therapeutic foster care home;

2. A respite care provider approved in accordance with section 13(4) of this administrative regulation;

3. The child, if appropriate; and

4. The child's family.

(10) The social services worker shall:

(a) Have a first face-to-face visit with a child and therapeutic foster care parent on the day of the child's placement;

(b) Have another face-to-face visit with the therapeutic foster care parent or child within ten (10) calendar days of the child's placement;

(c) Telephone or visit, on a weekly basis, at least one (1) of the therapeutic foster care parents of each child on the therapeutic foster care worker's caseload;

(d) Visit a therapeutic foster care parent a minimum of two (2) times a month with at least one (1) visit being in the foster home;

(e) Visit the foster child face-to-face a minimum of two (2) times a month with at least one (1) visit in the therapeutic foster care home and one (1) visit outside the foster home;

(f) Carry a caseload of not more than twelve (12) therapeutic foster care children, taking into account:

1. Required responsibilities other than the case management of a child in foster care;

2. Additional support, contact, and preparation needed by a therapeutic foster care home, due to the extent of the needs of the child served; and

3. The intensity of services provided to the child and the child's family;

(g) Conduct a quarterly case consultation, including the:

1. Foster home;

2. Child's public agency worker;

3. Child-placing agency treatment director and social services worker; and

4. Child and the child's family of origin, to the extent possible;

(h) Provide or contract for therapeutic services individualized for a child at least two (2) times each month based on the child's needs assessed in the child's ITP;

(i) Identify the support needed by the foster family, including a:

1. Plan for respite care as provided in section 13 of this administrative regulation;

2. Plan for twenty-four (24) hour on-call crisis intervention; and

3. Foster home support group;

(j) Recommend and prepare an aftercare plan for a child, prior to discharge from therapeutic foster care, to ensure a successful transition; and

(k) Document a quarterly case consultation and revision to a child's ITP as determined by the case consultations.

(11) The child-placing agency shall:

(a) Meet requirements specified in Section 6(1) through (3) and (7) through (11) of this administrative regulation; and

(b) Annually reevaluate a therapeutic foster care home in accordance with Section 15 of this administrative regulation.

Section 9. Medically-fragile Child. (1) A medically-fragile child shall be:

(a) A child in the custody of the cabinet, and

(b) Determined by the cabinet to meet the medically-fragile requirements of 922 KAR 1:350.

(2) The decision to accept a medically-fragile child shall be optional to a child-placing agency.

(3) If a child placed with a child-placing agency in a non-medically-fragile foster home becomes medically-fragile in accordance with subsection (1) of this section, the commissioner or designee and child-placing agency shall reevaluate the placement and ensure the child's needs can be met.

Section 10. Preparation of a Medically-fragile Foster Home. (1) A child-placing agency shall create a medically-fragile foster home only if the child-placing agency has:

(a) Staff meeting qualifications established in Section 2(4) of this administrative regulation supervising the home, who have received medically-fragile training in accordance with subsection 2(b) and (c) of this section; and

(b) A liaison established with the cabinet.

(2) A foster home may be approved to care for a medically-fragile child by a child-placing agency if the foster home:

(a) Includes a primary caregiver who is not employed outside the home, unless approved in writing by designated cabinet staff;

(b) Completes, in addition to training specified in Section 5 of this administrative regulation:

1. Twenty-four (24) hours of cabinet training to include first aid and cardiopulmonary resuscitation (CPR) certification if the foster parent is not currently certified in first aid and CPR;

2. Sixteen (16) hours of cabinet training if the foster parent is currently certified in first aid and CPR; or

3. Training approved in advance by the cabinet, in the areas of:

a. Growth and development;

b. Nutrition; and

c. Medical disabilities;

(c) Maintains certification in:

1. CPR; and

2. First aid;

(d) Is located within a:

1. One (1) hour drive of a medical hospital with an emergency room; and

2. Thirty (30) minute drive of a local medical facility; and

(e) Is evaluated in accordance with Section 4 of this administrative regulation.

(3) Professional experience related to the care of a medically-fragile child may substitute for the training requirement of the medically-fragile foster parent as specified in subsection (2)(b) and (c) of this section:

(a) Upon the approval by a designated cabinet staff; and

(b) If the foster parent is a licensed health care professional, to include a:

1. Physician as defined in KRS 311.720(9),

2. Registered nurse as defined in KRS 314 011(5);

3. Licensed practical nurse as defined in KRS 314.011(9);

4. Physician's assistant as defined in KRS 311.840(3); or

5. Advanced registered nurse practitioner as defined in KRS 314.011(7).

(4) If the cabinet determines that a child currently in the care of a foster parent approved by the child-placing agency is a medically-fragile child in accordance with Section 9(1) of this administrative regulation, then the cabinet shall prioritize the foster home's enrollment in training as specified in subsection (2)(b) and (c) of this section.

(5) An approved medically-fragile foster home may receive annual reapproval, if the foster home:

(a) Annually completes the following amount of ongoing training in content areas specified by subsection 2(b) and (c) of this section:

1. Twenty-four (24) hours if the foster parent is not currently certified in first aid and CPR; or

2. Sixteen (16) hours if the foster parent is currently certified in first aid and CPR;

(b) Completes the training before the anniversary date of approval as a medically-fragile foster home; and

(c) Continues to meet the requirements in Section 15 of this administrative regulation

(6) Except for a sibling group or unless approved by designated cabinet staff, no more than four (4) children, including the medically-fragile foster parent's own children, shall reside in a medically-fragile foster home.

(7) Unless approved by designated cabinet staff, a:

(a) One (1) parent medically-fragile foster home shall not care for more than one (1) medically-fragile child; and

(b) Two (2) parent medically-fragile foster home shall not care for more than two (2) medically-fragile children.

(8) A child-placing agency shall request an exception to subsection (6) or (7) of this section, in accordance with 922 KAR 1.350, Section 2(2).

Section 11. Placement of a Medically-fragile Child. (1)(a) In addition to training required in Section 10(2)(b) and (c) of this administrative regulation, an approved medically-fragile foster parent shall receive training on how to care for the specific needs of a medically-fragile child placed in the home.

(b) The training shall be conducted by a licensed health care professional.

(2) A medically-fragile child shall be placed in an approved medically-fragile foster home.

(3) A child-placing agency shall:

(a) Request an exception to subsection (2) of this section in accordance with 922 KAR 1:350, Section 2(2);

(b) Provide case management services:

1. As described in Section 6(1) through (3), and (7) through (11) of this administrative regulation; and

2. In accordance with the child's:

a. Health plan developed by designated cabinet staff;

b. ITP; and

c. Supervision plan;

(c) Support the child's health plan developed by designated cabinet staff; and

(d) Conduct a face-to-face visit with the child at least two (2) times per month.

Section 12. Expectations for a Foster Home, Therapeutic Foster Care Home, or Medically-fragile Foster Home. An approved foster parent or therapeutic foster care parent shall:

(1) Provide a child placed by the child-placing agency with a family life, including:

(a) Nutritious food;

(b) Clothing comparable in quality and variety to that worn by other children with whom the child may associate;

(c) Affection;

(d) Training;

(e) Recreational opportunities;

(f) Education opportunities;

(g) Nonmedical transportation;

(h) Opportunities for development consistent with the child's religious, ethnic, and cultural heritage;

(i) Adequate supervision; and

(j) Independent living services for a child twelve (12) years of age or older,

(2) Permit a child-placing agency and staff of a state agency to visit the home,

(3) Share with the child-placing agency and, if applicable, staff of the state agency which has custody of the child, information about the child placed by the child-placing agency;

(4) Notify the child-placing agency ten (10) days prior if the home is approved to provide foster or adoptive services through another private child-placing agency or the cabinet;

(5) Notify the child-placing agency prior to:

(a) Leaving the state with a child placed by the child-placing agency for more than two (2) nights; or

(b) Allowing a child placed by the child-placing agency to be absent from the foster home for more than three (3) days;

(6) Report immediately to the child-placing agency through which the child is placed, if there is:

(a) A life-threatening accident or illness;

(b) An absence without official leave;

(c) A suicide attempt;

(d) Criminal activity by the child requiring notification of law enforcement;

(e) Death; or

(f) A child's possession of a deadly weapon;

(7) Report, if applicable, within two (2) business days to the child-placing agency if there is a:

(a) Change in address;

(b) Change in the number of people living in the home;

(c) Significant change in circumstance in the foster home; or

(d) Failure of the foster child or foster parent to comply with the supervision plan;

(8) Cooperate with the child-placing agency if child-placing agency staff arranges for a child, placed in the foster home by the child-placing agency, and the child's birth family regarding:

(a) Visits,

(b) Telephone calls; or

(c) Mail;

(9) Surrender a child or children to the authorized representative of the child-placing agency or the state agency, which has custody of the child, upon request;

(10) Keep confidential all personal or protected health information as shared by the cabinet or child-placing agency, in accordance with KRS 194A.060 and 45 C.F.R. Parts 160 and 164, concerning a child placed in a home or the child's birth family;

(11) Support an assessment of the service needs, including respite care, and the development of an ITP, including the supervision plan, of a child placed by the child-placing agency;

(12) Participate in a case planning conference concerning a child placed by the child-placing agency;

(13) Cooperate with the implementation of the permanency goal established for a child placed by the child-placing agency;

(14) Ensure that a child in the custody of the cabinet receives the child's designated per diem allowance;

(15) Provide medical care to a child placed by the child-placing agency as needed, including:

(a) Administration of medication to the child and daily documentation of the administration; and

(b) Annual physicals and examinations for the child;

(16) Treat a child placed by the child-placing agency with dignity;

(17) Report suspected incidents of child abuse, neglect, and exploitation in accordance with KRS 620.030; and

(18) Comply with general supervision and direction of the child-placing agency or, if applicable, the state agency that has custody of the child, concerning the care of the child placed by the child-placing agency.

Section 13. Respite For Foster Care, Medically-fragile Foster Care, or Therapeutic Foster Care. (1) The child-placing agency shall develop written policies and procedures to address the respite care needs of a child or a foster parent.

(2) Respite care shall not be used as a means of placement for a child.

(3) Respite care shall be in accordance with Section 3(3) of this administrative regulation.

(4) The child-placing agency shall not approve a respite care provider unless the provider meets requirements specified by Section 4(3)(e), (g), and (n) through (v) of this administrative regulation.

(5) A respite care provider shall:

(a) Receive preparation for placement of a child, including:

1. Information in accordance with KRS 605.090(1)(b); and

2. Information regarding the supervision plan of the child;

(b) Provide adequate supervision in accordance with the child's supervision plan; and

(c)1. Give relief to a foster parent caring for a child; or

2. Provide for an adjustment period for a child.

(6) A respite care provider for a medically-fragile child shall meet the requirements of:

(a) Section 10(2)(b) through (d) or 10(3) of this administrative regulation; and

(b) Section 11(1) of this administrative regulation.

Section 14. Private Placement Process. Except for a child in the custody of, or otherwise made the legal responsibility of the cabinet or the Department of Juvenile Justice, the following shall be the responsibility of the child-placing agency if a private placement is conducted.

(1) For a child being placed with a child-placing agency, the child-placing agency shall obtain an:

(a) Agreement for voluntary care signed by the custodian; or

(b) Order from a court of competent jurisdiction placing the child into the custody of the child-placing agency.

(2) The child-placing agency shall:

(a) Complete an intake assessment of the strengths and needs of the child and the child's family of origin; and

(b) Ascertain the appropriateness of the referral for the child.

(3)(a) The child-placing agency shall be responsible for developing an ITP individualized for a child and the child's family based on an individualized assessment of the child's and family's needs within thirty (30) days of the child's placement with the child-placing agency.

(b) The assessment shall be revised as needed.

(c) The assessment and ITP shall include the type and extent of services to be provided to the child and the child's family.

(4) Unless not in the best interest of the child, the child, parent, and foster parent shall be included in developing the assessment and ITP.

(5)(a) The foster home selected for placement shall be the most appropriate home based on the child's needs and the strengths of the foster family.

(b) The foster home shall be located as close as possible to the home of the family of origin, in order to facilitate visiting and reunification.

(6)(a) The social services worker and the foster parent shall work collaboratively to prepare the child prior to the placement.

(b) Unless a circumstance precludes preparation and the circumstance is documented in the case record, a child shall have a period of preparation prior to the placement in the foster home.

(7) The child-placing agency shall:

(a) Provide or arrange for services to support reunification for a child for whom family reunification is the goal;

(b) Assess and document the parent's capacity for reunification quarterly;

(c) Provide for review of the child in order to evaluate the progress toward achieving the child's permanency goal every six (6) months; and

(d) Assure that foster care continues to be the best placement for the child.

(8)(a) Services to the family of origin and to the child shall be adapted to their individual capacities, needs, and problems.

(b) A reasonable effort shall be made to return the child to the family of origin.

(9) Planning for the child regarding treatment program matters, including visitation, health, education, and permanency goals, shall be developed in collaboration with the:

(a) Family of origin;

(b) Treatment director;

(c) Social services worker; and

(d) Foster home.

(10)(a) The child-placing agency shall work with a foster home to promote stability and avoid disruption for a child, to include:

1. Services specified in Section 6(1) through (3), and (7) through (11) of this administrative regulation; and

2. Annual reevaluation of the foster home in accordance with Section 15 of this administrative regulation.

(b) A request for the removal of a child from a foster home shall be explored immediately and shall be documented by the social services worker.

(c) If disruption is unavoidable, the child-placing agency and foster home shall develop a plan for the smooth transition of the child to a new placement.

(11)(a) Preparation for the return of a child to the family of origin shall be supervised by a social services worker.

(b) The family shall participate in planning for the child's return.

(c) If regular contact with the child's family does not occur, a plan for the child's return shall include at least one (1):

1. Prior visit between the child and the family; and
2. Preliminary visit of the child to the child's family home.
(12) The child-placing agency shall recommend a plan for aftercare services for a child and the child's family.

Section 15. Annual Reevaluation of an Approved Adoptive Home Awaiting Placement or an Approved Foster Home. Annually, a child-placing agency shall:
(1) Conduct a personal interview in the home with an approved:
(a) Adoptive home awaiting placement; or
(b) Foster home; and
(2) Assess:
(a) Any change in the home;
(b) The ability of the home to meet the needs of a child placed in the home; and
(c) The home's continued compliance with the requirements of this administrative regulation in:
1. Section 4(3)(h), (j), and (l) through (v), and Section 4(5) through (11) of this administrative regulation, with regard to evaluation, if the home is approved as a foster or adoptive home;
2. Sections 6(9)(a) and 12 of this administrative regulation, with regard to case management and expectations, if the home is approved as a foster home;
3. Sections 5(3)(a), 7(2), or 10(5)(a) of this administrative regulation, with regard to annual training, if the home is approved as a foster home; and
4. Section 19(3) of this administrative regulation, with regard to annual training, if the home is approved as an adoptive home.
(3) After initial approval, a foster parent, an adoptive parent awaiting placement, a respite care provider, or a member of a foster or adoptive parent's household shall comply with a child-placing agency's request for a statement regarding the parent, provider, or household member's general health and medical ability to care for a child.
(4) If a prospective adoptive home is awaiting an international adoption, the child-placing agency shall conduct a reevaluation of the home once every eighteen (18) months.

Section 16. Independent Living Services. A child-placing agency shall:
(1) Provide independent living services:
(a) To a child:
1. In the custody of a state agency; and
2. Who is twelve (12) to twenty-one (21) years of age;
(b) Directly or indirectly through a foster parent with whom the child is placed;
(c) As prescribed in the child's ITP; and
(d) In accordance with 42 U.S.C. 677(a); and
(2) Teach independent living.
(a) To a child:
1. In the custody of a state agency; and
2. Sixteen (16) years of age and older; and
(b) Developed in accordance with Section 17(1)(e) of this administrative regulation.

Section 17. Independent Living Programs. (1) A child-placing agency providing independent living programming shall:
(a) Conduct and document an assessment of the child's skills and knowledge:
1. Within fourteen (14) days of a child's placement with the child-placing agency and provision of services by the agency's independent living program; and
2. Using a tool to assess:
a. Money management and consumer awareness;
b. Job search skills;
c. Job retention skills;
d. Use of and access to:
i. Community resources;
ii. Housing; and
iii. Transportation;
e. Educational planning;
f. Emergency and safety skills;
g. Legal knowledge;
h. Interpersonal skills, including communication skills;
i. Health care knowledge, including knowledge of nutrition;
j. Human development knowledge, including sexuality;
k. Management of food, including food preparation;
l. Ability to maintain personal appearance;
m. Housekeeping; and
n. Leisure activities;
(b) Develop and update quarterly a written ITP within thirty (30) calendar days of a child's placement with a child-placing agency in an independent living program, to include:
1. Educational, job training, housing, and independent living goals;
2. Objectives to accomplish a goal;
3. Methods of service delivery necessary to achieve a goal and an objective;
4. Person responsible for each activity;
5. Specific timeframes to achieve a goal and an objective;
6. Identification of a discharge plan;
7. Plan for aftercare services; and
8. Plan for services from a cooperating agency;
(c) Maintain written policies and procedures for the independent living program;
(d) Train and document the training provided to designated independent living staff within thirty (30) days of employment on:
1. Content of the independent living curriculum;
2. Use of the independent living materials;
3. Application of the assessment tool; and
4. Documentation methods used by the child-placing agency; and
(e) Maintain and teach independent living in accordance with 42 U.S C. 677(a), including:
1. Money management and consumer awareness;
2. Job search skills;
3. Job retention skills;
4. Educational planning;
5. Community resources;
6. Housing;
7. Transportation;
8. Emergency and safety skills;
9. Legal skills;
10. Interpersonal skills, including communication skills;
11. Health care, including nutrition;
12. Human development, including sexuality;
13. Food management, including food preparation;
14. Maintaining personal appearance;
15. Housekeeping;
16. Leisure activities;
17. Voting rights and registration;
18. Registration for selective service, if applicable;
19. Self-esteem;
20. Anger and stress management;
21. Problem-solving skills; and
22. Decision-making and planning skills.
(2) A social services worker from an independent living program shall:
(a) Be responsible for a child sixteen (16) to eighteen (18) years of age in an independent living program and provide supervision in accordance with the child's supervision plan; and
(b) Be available for twenty-four (24) hours, seven (7) days a week crisis support for a child in the independent living program, regardless of the child's age; and
(c) Have:
1. Daily face-to-face contact with a child:
a. Sixteen (16) to eighteen (18) years of age; and
b. In the independent living program;
2. A minimum of one (1) face-to-face, in-home contact per week for a child:
a. Eighteen (18) to twenty-one (21) years of age, and
b. In the independent living program;
(d) Conduct a visual and exploratory review of a child's living unit at least monthly, to include a review for:
1. Safety;
2. Use of alcohol; and
3. Illegal contraband;

(e) Maintain a caseload of no more than ten (10) children, including independent living program

1. Participants sixteen (16) to twenty-one (21) years of age, and

2. Participants' children assigned a Level of Care of III or higher; and

(f) Document annual compliance with fire and building codes for any living unit in which the agency places a child.

(3) (a) A living unit for a child in an independent living program shall be occupied by only a child or children approved to occupy the living unit by the child-placing agency.

(b) Nonresidents shall be asked to vacate the living unit.

(4) The child-placing agency shall assure and document that the living unit of a child in an independent living program:

(a) Does not present a hazard to the health and safety of the child;

(b) Is well ventilated and heated; and

(c) Complies with state and local health requirements regarding water and sanitation.

(5) The child-placing agency shall maintain documentation for each child concerning:

(a) Assistance to the child in finding and keeping in touch with family, if possible;

(b) Health care and therapeutic services received by a child,

(c) Progress each child has made in the independent living program, including independent living services received;

(d) Progress in an educational program, including vocational education;

(e) An assessment of the child's readiness to live independently; and

(f) The social services worker's contacts with the child, including observation of the child's living arrangement.

Section 18. Maintenance of a Foster Care, Medically-fragile Foster Care, or Therapeutic Foster Care Record. (1)(a) The child-placing agency shall maintain a record on each child and foster home, including medically-fragile foster homes and therapeutic foster care homes.

(b) The child's record and the foster home record shall show the reason for placement change and steps taken to ensure success.

(c) A case record shall be maintained in conformity with existing laws and administrative regulations pertaining to confidentiality, pursuant to KRS 199.430(3), 199.640, and 45 C.F R. Parts 160 and 164.

(2) The record of the child, including information of the child's family, shall include·

(a) Identifying information for child, parent, and foster home;

(b) Commitment order or custodian's consent for admission;

(c) Birth and immunization certificate;

(d) Educational record;

(e) Medical and dental record since placement,

(f) Social history and assessment;

(g) ITP and review;

(h) Supervision plan and updates to the plan,

(i) Permanency goals, including independent living services,

(j) Incident reports, including details of the child's behavior and supervision at the time of the incident;

(k) Monthly progress notes based on the ITP and supervision plan;

(l) Quarterly revisions to the child's ITP;

(m) Correspondence with the:

1. Court;

2. Family;

3. Department for Community Based Services; or

4. Department of Juvenile Justice,

(n) Discharge report; and

(o) Aftercare plan.

(3) The foster home's record shall include documentation relating to the:

(a) Orientation and preparation of the home, including all adult caregivers in the household;

(b) Required preparation hours and the topics covered;

(c) Placement of the child;

(d) Narrative summary of the initial and annual foster home's home study;

(e) Supervision of the foster home, including critical incidents;

(f)1. Annual training requirements that are met in accordance with Section 5(3) of this administrative regulation by the foster parent and all adult caregivers in the household; or

2. If applicable, annual training requirements in accordance with Section 7(2) or 10(5)(a) of this administrative regulation,

(g) Background checks in accordance with Sections 4(3)(n) and 15(2)(c)1 of this administrative regulation;

(h) Copy of any placement exceptions granted, and

(i) A copy of the written statement of the foster home's closure completed pursuant to Section 23(3) of this administrative regulation.

(4) A child-placing agency shall:

(a) Maintain a child or foster home's record for at least three (3) years;

(b) After three (3) years:

1. Archive the record and have it transferred to one (1) of the cabinet's designated record centers; or

2. Maintain the record permanently <u>by</u> [at] the child-placing facility;

(c) Transfer the record to the cabinet, if:

1. The agency ceases operations; and

2. No other operational governing entity exists; and

(d) Make available all records maintained by the agency to the cabinet or its designee upon request.

Section 19. Orientation and Preparation of an Adoptive Home. A child-placing agency shall:

(1) Prepare and maintain the orientation and preparation curriculum on file;

(2) Provide orientation and preparation to a prospective adoptive home in accordance with the child-placing agency's policies and procedures to include the following:

(a) An example of an actual experience from a parent who has adopted a child;

(b) Challenging behavior characteristics of an adoptive older child,

(c) Referral resources for a developmental delay;

(d) Transition issues with focus on stages of grief, and a honeymoon period;

(e) Loss and the long-term effects on a child;

(f) Attachment and identity issues of the child;

(g) Cultural competency;

(h) Medical issues including referral resources;

(i) Family functioning, family values, and expectations of an adoptive home;

(j) Identification of changes that may occur in the family unit upon the placement of a child to include:

1. Family adjustment and disruption;

2. Identity issues; and

3. Discipline; and

(k) Financial assistance available to an adoptive home, and

(3) Ensure that an approved adoptive home awaiting the placement of a child receives adoptive home training annually in accordance with the child-placing agency's established policies and procedures.

Section 20. Adoption Placement Process. (1) A child shall not be placed for adoption until the.

(a) Adoptive home has been approved;

(b) Parental rights of the mother, legal or birth father, and putative father of the child, if not the same person as the legal father, are terminated by a circuit court order entered pursuant to KRS Chapter 625; and

(c) Child is placed with the child-placing agency for the purpose of adoption placement.

(2) A child's parent shall not be induced to terminate parental rights by a promise of financial aid or other consideration.

(3)(a) The authority granted to a child-placing agency licensed by the cabinet authorizing the agency to place a child for adoption shall not be used to facilitate an adoptive placement planned by a

doctor, lawyer, clergyman, or person or entity outside the child-placing agency.

(b) The child-placing agency shall comply with provisions of 922 KAR 1 010.

(4) The following shall be obtained by the child-placing agency.

(a) A developmental history of the adoptive child to include:

1. Birth and health history;

2. Early development,

3. Characteristic ways the child responds to people and situations;

4. Any deviation from the range of normal development,

5. The experiences of the child prior to the decision to place the child for adoption;

6. Maternal attitude during pregnancy and early infancy;

7. Continuity of parental care and affection,

8 Out-of-home placement history;

9. Separation experiences; and

10. Information about the mother, legal father, and putative father, if not the same person as the legal father, and family background:

a. That may affect the child's normal development in order to determine the presence of a significant hereditary factor or pathology; and

b. Including an illness of the biological mother or father;

(b) A social history of the biological or legal parent, to include:

1. Name,

2. Age;

3. Nationality;

4. Education;

5. Religion or faith; and

6. Occupation;

(c) Information obtained from direct study and observation of the child by a:

1. Social services worker; and

2. Physician or other licensed health care professional;

(d) If indicated, information obtained from direct study and observation of the child by a:

1. Foster parent;

2. Nurse;

3. Psychologist; or

4 Other consultants; and

(e) Information from the mother, if possible, identifying the biological father, or legal father, if different from the biological father, for the purpose of:

1. Determining the father's parental rights; and

2. Establishment of possible hereditary endowments.

(5) Exception to subsection (4)(a)1 and 2 of this section may be granted, if the adoption involves a child born in a country other than the United States.

(6) If either biological or legal parent is unavailable, unwilling, or unable to assist with the completion of information necessary to comply with KRS 199.520 and 199.572, the child-placing agency shall document information, to the extent possible, from the existing case record.

(7) Prior to finalization of the adoptive placement, a medical examination shall be made by a licensed physician or other licensed health professional to determine:

(a) The state of the child's health;

(b) Any significant factor that may interfere with normal development; and

(c) The implications of any medical problem.

(8) The condition under which an adoptive home agrees to accept the child shall be decided upon, prior to placement of the child. The written agreement between the child-placing agency and the adoptive home shall embody the following provisions·

(a) The adoptive home shall agree to:

1. Comply with KRS 199.470;

2. File an adoptive petition at a time agreeable to the adoptive home and the child-placing agency; and

3. Permit supervision by the child-placing agency in accordance with the child-placing agency's policies and procedures:

a. After placement; and

b. Preceding a final judgment of adoption by the circuit court;

(b) The child-placing agency shall be responsible for providing the adoptive home with written information regarding the child's:

1. Background;

2. Medical history;

3. Current behavior; and

4. Medical information necessary to comply with KRS 199.520(4)(a); and

(c) The adoptive home and the child-placing agency shall agree that the child may be removed from the placement, at the request of either party, before the filing of the adoptive petition.

(9)(a) Preplacement visits shall be arranged for the adoptive home and a child.

(b) The pattern and number of visits shall be based on the child's:

1. Age;

2. Development; and

3. Needs.

(10) During preparation, the child-placing agency shall discuss the child's readiness to accept the selected placement with the child, in accordance with the child's age and ability to understand.

(11)(a) Unless the child-placing agency and, if applicable, the state agency which has custody of a child belonging to a sibling group, determines that it is more beneficial for siblings to be placed in separate adoptive homes, siblings who have had a relationship with each other shall be placed together.

(b) If siblings have been separated in placements:

1. The case record shall reflect a valid basis for the separation;

2. The decision to separate siblings shall be made by the executive director of the child-placing agency; and

3. Continued contact between siblings shall be maintained, if possible.

(12) A child-placing agency shall comply with Section 6(1)(b) of this administrative regulation during the process of placing a child in a prospective adoptive home.

Section 21. Supervision of an Adoptive Placement. (1) The child-placing agency placing a child shall remain responsible for the child until the adoption has been granted. This responsibility involves the following:

(a) Two (2) meetings by the social services worker with the child and the adoptive home, including both adoptive parents if not a single parent adoption, one (1) visit of which shall be in the adoptive home before filing of the adoption petition;

(b) The continuation of case management, visits, and telephone contacts based upon the needs of the child until the adoption is legally granted; and

(c) Awareness of a change in the adoptive home including health, education, or behavior.

(2) Upon request of the cabinet, the child-placing agency shall.

(a) Provide information pursuant to KRS 199.510, as necessary to report to the court to proceed with adoption;

(b) Prepare and provide the original confidential report to the court; and

(c) Forward to the cabinet a copy of.

1. The confidential report that was provided to the court; and

2. Information required by KRS 199 520 and 199.572.

(3) If the court finds the adoptive home to be unsuitable and refuses to grant a judgment, the child-placing agency shall remove the child from the home.

Section 22. Maintenance of Adoptive Case Record. (1) The child-placing agency shall maintain a case record from the time of the application for services through the completed legal adoption and termination of child-placing agency services for:

(a) A child accepted for care, and the child's family; and

(b) An adoptive applicant.

(2) The case record shall contain material on which the child-placing agency decision may be based and shall include or preserve:

(a) Information and documents needed by the court;

(b) Information about the child and the child's family;

(c) A narrative or summary of the services provided with a copy of legal and other pertinent documents; and

(d) Information gathered during the intake process including the following:

1. A description of the situation that necessitated placement of the child away from the child's family, or termination of parental rights;

2. A certified copy of the order of the circuit court terminating parental rights and committing the child to the child-placing agency for the purpose of adoption;

3. Verification of the child's birth record and the registration number;

4. A copy of the child's medical record up to the time of placement;

5 A copy of the required evaluation of the adoptive placement;

6. Date of adoptive placement;

7. A statement of the basis for the selection of this adoptive home for the child;

8. A record of after-placement services with dates of:

a. Visits;

b. Contacts;

c. Observations;

d. Filing of petition;

e. Granting of judgments; and

f. Other significant court proceedings relative to the adoption;

9. Child's adoptive name; and

10. Verification of preparation and orientation and annual training in accordance with Section 19 of this administrative regulation.

(3) If there is a need to share background information with a party to a completed adoption, or to have the benefits of information from a closed adoption record to offer services following completion of an adoption, the child-placing agency shall comply with KRS 199.570.

(4) Records on adoption that contain pertinent information shall be:

(a) Maintained indefinitely following final placement of a child; and

(b) Sealed and secured from unauthorized scrutiny.

(5) A child-placing agency shall submit adoptive case records to the cabinet, if.

(a) The child-placing agency closes; and

(b) No other operational governing entity exists.

Section 23. Closure of an Approved Foster or Adoptive Home. (1) A foster or adoptive home shall be closed if:

(a) Sexual abuse or exploitation by a resident of the household is substantiated;

(b) Child maltreatment by a resident of the household occurs that is serious in nature or warrants the removal of a child;

(c) A serious physical or mental illness develops that may impair or preclude adequate care of the child in the home; or

(d) The home fails to meet requirements of this administrative regulation in:

1. Section 4(3)(h), (j), and (l) through (v), and Section 4(5) through (11) of this administrative regulation, with regard to evaluation, if the home is approved as a foster or adoptive home;

2. Sections 6(9)(a) and 12 of this administrative regulation, with regard to placement and case management, if the home is approved as a foster home;

3. Sections 5(3)(a), 7(2), or 10(5)(a) of this administrative regulation, with regard to annual training, if the home is approved as a foster home, and

4. Section 19(3) of this administrative regulation, with regard to annual training, if the home is approved as an adoptive home.

(2) A foster or adoptive home may be closed:

(a) In accordance with the terms specified in the written agreement between the child-placing agency and the foster or adoptive home; or

(b) In accordance with the terms specified in the written contract between the cabinet and the child-placing agency.

(3) The child-placing agency shall provide the foster or adoptive parent a written closure statement to include:

(a) Date of approval and termination; and

(b) Indication of whether the closure was at the request of the foster parents or the agency.

Section 24. Foster Care Registry. (1) A child-placing agency shall register a foster home with the cabinet, approved by the child-placing agency, to include medically-fragile foster homes and therapeutic foster care homes.

(2) Information shall be provided to the cabinet in a format prescribed by the cabinet, to include:

(a) The foster parent's:

1. Full name;

2. Social Security number; and

3. Address, including county of residence;

(b) The child-placing agency's:

1. Name; and

2. Mailing address;

(c) The date the foster home was approved; and

(d) Whether the foster home is active or inactive.

PATRICIA R. WILSON, Commissioner
JANIE MILLER, Secretary

APPROVED BY AGENCY. March 10, 2008

FILED WITH LRC: March 10, 2008 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 21, 2008 at 9 a.m. in the Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by April 14, 2008, 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. The hearing is open to the public. Any person who attends 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until close of business April 30, 2008. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON Jill Brown, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone (502) 564-7905, fax (502) 564-7573.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Justin Dearinger

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes standards for child-placing agencies.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide licensure standards for child-placing agencies in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing licensure standards for child-placing agencies.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing licensure standards for child-placing agencies in accordance with state statutes and in consideration of the safety, permanency, and well being of children in said placements.

(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 amendment to this administrative regulation removes a standard pertaining to foster or prospective adoptive homes that prescribes firearm and ammunition storage. The standard's removal is at the request of the Administrative Regulation Review Subcommittee, to ensure conformity with the cabinet's statutory and constitutional authorities. In addition, technical corrections were made in accordance with KRS Chapter 13A and in consultation with the Children's Alliance and the cabinet's Office of Inspector General.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to ensure the cabinet conforms within its existing statutory and constitutional authorities.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes through its removal of a regulatory provision that exceeded the cabinet's statutory and constitutional authorities, per the request the Administrative Regulation Review Subcommittee and legal counsel guidance. The amendment will preserve the administrative regulation for continued federal and state funding.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by providing clarity to child-placing agencies and privately approved foster and adoptive homes regarding the standards governing the homes.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of March 1, 2008, there were 128 child-placing agencies in Kentucky.

(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: The amendment to this administrative regulation does not alter the practices of individual child-placing agencies.

(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 new cost to a child-placing agency.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3) The amendment ensures that the administrative regulation is within the parameters of the cabinet's statutory and constitutional authorities.

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

(a) Initially: No new cost is associated with the cabinet's implementation of this amendment.

(b) On a continuing basis: No new cost is associated with the cabinet's implementation of this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation. Funds from Title IV-E of the Social Security Act and General funds are used for the implementation of this administrative regulation

(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 increase in fees or funding is necessary to implement the amendment to this administrative regulation

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees

(9) TIERING: Is tiering applied? This administrative regulation is applied in a like manner statewide; thus, there is no tiering.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 16 C.F.R. 1000 to 1750, 45 C.F.R. Parts 160, 164, 1355 64, 42 U.S.C. 671(a)(23)m 677(a)(1)-(6), 14901-14954

2. State compliance standards. KRS 194.050(1), 199.640(5)(a), 605 150, 615.050

3. Minimum or uniform standards contained in the federal mandate. 16 C.F.R. 1000 to 1750, 45 C F.R. Parts 160, 164, 1355.64, 42 U.S.C. 671(a)(23)m 677(a)(1)-(6), 14901-14954

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation will impose no stricter requirement or additional or different responsibilities or requirements.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation will impose no stricter requirement or additional or different responsibilities or requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Cabinet for Health and Family Services and its organizational units, the Office of Inspector General and the Department for Community Based Services, will be impacted by this administrative regulation. The Department of Juvenile Justice will also be impacted.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194.050(1), 199.640(5)(a), 605.150, 615.050, 620 090, 620 230, 16 C.F.R. 1000 to 1750, 45 C.F.R. Parts 160, 164, 1355.64, 42 U.S.C. 671(a)(23)m 677(a)(1)-(6), 14901-14954

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will generate no new revenues.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will generate no new revenues.

(c) How much will it cost to administer this program for the first year? This administrative regulation will require no new cost

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will require no new cost.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
Department for Environmental Protection
Division of Water
(New Administrative Regulation)

401 KAR 9:010. Section 401 Individual Water Quality Certification public notice.

RELATES TO: KRS 224.01-010, 224.10-100, 224.16-050, 224.16-070, 350.060

STATUTORY AUTHORITY: KRS 224.16-050, 33 U.S.C. 1341

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.16-050 authorizes the cabinet to certify pursuant to 33 U.S.C. 1341 that applicants for a federal permit regarding the construction or operation of facilities, which may result in a discharge of dredged or fill material into the waters of the Commonwealth, as defined in KRS 224.01-010(33), shall comply with the applicable provisions of the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq. This administrative regulation establishes the procedures for public notice of Section 401, Individual Water Quality Certifications

Section 1. Public Notice. (1) The cabinet shall give public notice of receipt of an administratively complete application for a Section 401 Individual Water Quality Certification.

(a) An administratively complete application shall contain the information necessary to allow a meaningful review of the project based on its merits.

1. An applicant for a project relating to surface mining coal operations shall submit the Application for Water Quality Certification for Surface Coal Mining Activities.

2. All other applicants seeking certification shall submit the Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification.

(b) If an application is incomplete, a notice shall be sent to the applicant indicating the areas of the application that are deficient.

(2) Section 401 Individual Water Quality Certification public notices may describe more than one (1) certification or action and may be a part of other public notices under the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq.

Section 2. Methods. (1) The cabinet shall post public notices on its Web site; and

(2) The cabinet shall give public notice by one (1) of the following methods:

(a) By electronically mailing a copy of the notice to the following persons:

1. The applicant; and

2. All persons who have requested copies of Section 401 Individual Water Quality Certification public notices; or

(b) By mailing a copy of the notice to anyone listed in subsection (2)(a)2 of this section who has requested to be notified by standard mail.

Section 3. Content. A public notice shall contain at least the following information:

(1) The name and address of the applicant and, if different, the address or location of the activity regulated by the certification;

(2) The name, address, and telephone number of the applicant or applicant's representative to contact for further information;

(3) A brief description of the comment procedures, including deadlines;

(4) A brief description of the proposed activity and its purpose;

(5) The location of the waters of the Commonwealth affected by the proposed activity, and

(6) The location and availability of the application for public inspection.

Section 4. Public Comment. (1) The public comment period shall expire thirty (30) days from the date of the public notice

Section 5. Incorporation by reference. (1) The following material is incorporated by reference:

(a) "Application for Water Quality Certification for Surface Coal Mining Activities", Form DNR-WQC, February 2008.

(b) "Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification", January 2004.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Water, 14 Reilly Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4.30 p.m.

ROBERT D. VANCE, Secretary

APPROVED BY AGENCY: February 29, 2008

FILED WITH LRC: March 3, 2008 at 3 p m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 22, 2008 at 10 a.m. (Eastern Time) at the Conference Room D-16 of the Department for Natural Resources at #2 Hudson Hollow, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by April 15, 2008, five 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 wishes to be heard 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 the proposed administrative regulation. Written comments shall be accepted until April 30, 2008. 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 Sandy Gruzesky, Division of Water, 14 Reilly Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a m. to 4:30 p m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sandy Gruzesky

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures for Section 401 Individual Water Quality Certification public notice.

(b) The necessity of this administrative regulation: 33 U.S.C. sec. 1341 requires that states establish procedures for 401 certification public notice.

(c) How this administrative regulation conforms to the content of the authorizing statutes n KRS 224 16-050 authorizes the cabinet to certify pursuant to 33 U.S.C. sec. 1341 that applicants for a federal permit for the construction or operation of facilities which may result in a discharge into the waters of the Commonwealth will comply with the applicable provisions of the Federal Water Pollution Control Act. This administrative regulation establishes the procedures for public notice of Section 401 Individual Water Quality certifications

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
There is currently no regulation governing 401 certification public notice. This will establish procedures for public notice.

(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: Not applicable.

(b) The necessity of the amendment to this administrative regulation: Not applicable.

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Cabinet processed approximately 228 individual certifications during the year 2007. This included work proposed by federal government six (6), state government forty-five

(45), city/county governments fifteen (15), industrial, commercial, and residential developers ninety (90), coal industry (53), urban and rural residents fifteen (15), and others five (5).

(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: Public notice provisions will be implemented by the cabinet. No additional actions are necessary on the part of the applicant.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3) There will be no additional costs to the entity associated with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Potentially impacted individuals, businesses, organizations, and governments will be notified of an applicant's request for 401 certification.

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

(a) Initially: The costs associated with this administrative regulation will be minimal and absorbed by the agency.

(b) On a continuing basis: The costs associated with this administrative regulation will be minimal and absorbed by the agency.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? The costs associated with this administrative regulation will be minimal. Existing funding is a combination of state general fund dollars and federal Clean Water Act Water Pollution Control grant funds.

(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: There will not be an increase in fees associated with this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish fees.

(9) TIERING: Is tiering applied? No. Public notice is required for each applicant for an individual 401 water quality certification.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Each applicant will be required to provide public notice of their application for 401 certification.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 33 U.S.C. 1341 requires that states establish procedures for 401 certification public notice. KRS 224.16-050 and 224.16-070 authorize the cabinet to certify pursuant to 33 U.S.C. 1341 that applicants for a federal permit for the construction or operation of facilities which may result in a discharge into the waters of the Commonwealth will comply with the applicable provisions of the Federal Water Pollution Control Act. This administrative regulation establishes the procedures for public notice of Section 401 Individual Water Quality certifications.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Revenue will not be generated from the implementation of this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Not applicable.

(c) How much will it cost to administer this program for the first year? The costs associated with this administrative regulation will be minimal and absorbed by the agency.

(d) How much will it cost to administer this program for subsequent years? The costs associated with this administrative regulation will be minimal and absorbed by the agency.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate.
33 U.S.C. 1341 requires that states establish procedures for 401 certification public notice.

2. State compliance standards. KRS 224.16-050 and 224.16-070 authorize the cabinet to certify pursuant to 33 U.S.C. 1341 that applicants for a federal permit for the construction or operation of facilities which may result in a discharge into the waters of the Commonwealth will comply with the applicable provisions of the Federal Water Pollution Control Act.

3. Minimum or uniform standards contained in the federal mandate. 33 U S.C. 1341 requires states establish procedures for public notice in the case of all applications for certification. No specific standards are provided in the federal mandate.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
Department for Environmental Protection
Division of Water
(New Administrative Regulation)

401 KAR 9:020. Section 401 Water Quality Certification Fees.

RELATES TO: KRS Chapter 224, 350.060

STATUTORY AUTHORITY: KRS 224.10-100, 224.16-050, 33 U.S.C. 1341

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 authorizes the cabinet to establish a fee for the cost of processing applications for permits authorized under KRS Chapter 224. KRS 224.16-050 authorizes the cabinet to certify, pursuant to 33 U.S.C. 1341, that applicants for a federal permit for the construction or operation of facilities which may result in a discharge into the waters of the Commonwealth will comply with the applicable provisions of the Federal Water Pollution Control Act, 33 U S C. 1251. This administrative regulation establishes fees for processing applications for Section 401 Water Quality Certifications.

Section 1. Definitions. (1) "Family farm" means one (1) or more tracts of land, used for agricultural purposes, that are held in private ownership by one (1) or more people related by birth or marriage.

(2) "Natural person" means an individual distinguished from a person as defined in KRS 224.01-010.

(3) "Personal residence" means a natural person's primary place of abode.

Section 2. Fee Remittance. Fees for water quality certifications shall be remitted to the Kentucky State Treasurer, which shall be for the sole use of the cabinet in administration for the 401 water quality certification program and shall be in addition to any money

appropriated by the General Assembly for the use of the cabinet.

Section 3. Fees for Individual Water Quality Certification for Stream Impacts. Fees for the review of individual water quality certification for stream impacts shall be as follows:

(1) $100 for an impact of less than 100 linear feet;

(2) $250 for an impact of 100 to 500 linear feet;

(3) $1,000 for an impact greater than 500 but less than 1,000 linear feet;

(4) $2,500 for an impact of 1,000 to 5,000 linear feet; and

(5) $5,000 for an impact greater than 5,000 linear feet.

Section 4. Fees for individual water quality certification for wetland impacts. Fees for the review of individual water quality certification for wetland impacts shall be $500 per acre of impacted wetland.

Section 5. Fees for General Water Quality Certification. (1) Fees for the review of general water quality certification shall be $100.

(2) Family farms and personal residences shall be exempt from general water quality certification fees. 401 KAR 9:020 "Section 401 Water Quality Certification Fees" approved for promulgation:

ROBERT D. VANCE, Secretary

APPROVED BY AGENCY: February 29, 2008

FILED WITH LRC: March 3, 2008 at 3 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 22, 2008 at 10 a.m. at the Conference Room D-16 of the Department for Natural Resources at #2 Hudson Hollow, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by April 15, 2008, 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 wishes to be heard 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 the proposed administrative regulation. Written comments shall be accepted until April 30, 2008. 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: Abigail Powell, Regulations Coordinator Division of Water,14 Reilly Road, Frankfort, Kentucky 40601, phone (502) 564-3410, fax (502) 564-0111.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sandy Gruzesky, Assistant Director

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation creates cost-based fees for water quality 401 certifications that previously did not have fees.

(b) The necessity of this administrative regulation: The Kentucky 401 Water Quality Certification program is currently operating at a significant monetary loss due to no permitting fees. The 401 Water Quality Certification Section operates well below optimum staffing levels as a partial result of this shortfall. As a result of this shortfall in economic and human resources, the Division accumulated a significant backlog. This backlog results in increased scrutiny by Federal regulators and leads to processing times that barely meet, or exceed, the regulatory periods expected for review.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(20) authorizes the cabinet to establish a fee for the cost of processing applications for permits authorized under KRS Chapter 224. KRS 224.16-050 authorizes the cabinet to certify pursuant to 33 U.S.C. 1341 that applicants for a federal permit for the construction or operation of facilities which may result in a discharge into the waters of the Commonwealth will comply with the applicable provisions of the Federal Water Pollution Control Act, 33 U.S.C. 1251. The cabinet analyzed the actual costs associated with the review of the water quality certifications and is proposing a fee structure that represents the current actual cost for review. The costs are calculated for each application class on a specific basis utilizing recent data to project the actual numbers for each type of certification. The cabinet believes that KRS 224.10-100(20) prevents the collection of fees from public facilities. Therefore, no attempt to collect or transfer the cost of review for public facilities is included in this regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation delineates fees for certain categories of 401 Water Quality Certifications for which a fee may be charged. The cabinet is charged with the responsibility of reviewing these certifications; therefore, the cabinet must have monetary resources with which to accomplish this mission. One source of funding is certification application fees. These fees will partially support the cabinet in its attraction and retention of the staff necessary to implement the statutes.

(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: Amendment is not applicable. This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The cabinet processed approximately 228 individual certifications during the year 2007. This included work proposed by federal government (6), state government (45), city/county governments (15), industrial, commercial, and residential developers (90), coal industry (53), urban and rural residents (15), and others (5).

(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: The regulated entities will have to pay a cost-based fee for water quality certification issuance.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Individual Water Quality Certification for Stream Impacts (only): Activities that do not qualify for a General Water Quality Certification are assessed water quality certification review fees in the following manner: The water quality review fee for less than 100 linear feet of impact is $100. The water quality review fee for 100 to 500 linear feet of impact is $250. The water quality review fee for greater than 500 but less than 1,000 linear feet of impact is $1,000. The water quality review fee for greater than 1000 but less than 5,000 linear feet of impact is $2,500. The water quality review fee for impacts 5,000 linear feet or great is $5,000. Individual Water Quality Certification for Wetland Impacts (only): The water quality review fee for impacts to wetlands is $500 per acre of impacted wetland. General Water Quality Certification (only). The general water quality review fee for nationwide certification is $100. Family farms and personal residences shall be exempt from general water quality certification fees.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The current processing delays for water quality certifications are largely a result of inadequate funding for the 401 Water Quality Program. This backlog results in increased scrutiny by Federal regulators of both the regulated entities and of the cabinet. This regulation will provide increased funding for the cabinet and the 401 Water Quality Certification Program in particular. An increase in economic and human resources for the cabinet will lead to a reduction in the time needed for the regulated entities to obtain the water quality certifications necessary to conduct business. Kentucky's fee structure will remain competitive for

attracting industry. Fees for industry are still below those in most states, such as Illinois, Virginia, Ohio, and Indiana. Additionally, the fees imposed on small businesses and individuals will be comparable to those in surrounding states

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

(a) Initially: Minimal additional burden is anticipated. The cabinet will alter existing mechanisms that are already in place to collect and process water quality certification fees.

(b) On a continuing basis: No additional burden is anticipated. An existing mechanism is in place for collection of fees.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? Funding will come from the fees generated by the water quality certification application.

(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 additional fees or funding are necessary to support this regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation will establish fees for the program.

(9) TIERING: Is tiering applied? Yes, tiering of fees is applied by this administrative regulation. This tiered structure regulates cost-based fees for water quality certifications based upon the linear feet of stream impacts and acres of wetland impacts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Water Quality Branch/Water Quality Certification Section processed approximately 175 individual certifications during the year 2007. Of these certifications, 6 were for federal government work, 45 were for state government work, and 15 were for city/county governments. Any applicant seeking 401 certification will be affected.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 224.10-100 authorizes the cabinet to establish a fee for the cost of processing applications for permits authorized under KRS Chapter 224. KRS 224.16-050 authorizes the cabinet to certify pursuant to 33 U.S.C. 1341 that applicants for a federal permit for the construction or operation of facilities which may result in a discharge into the waters of the Commonwealth will comply with the applicable provisions of the Federal Water Pollution Control Act, 33 U.S.C. 1251.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The average revenue expected from the administrative regulation will be $436,000 per year for DOW and approximately $140,600 for DMP.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The average revenue expected from the administrative regulation will be $436,000 to $500,000 per year for DOW and approximately $140,600 for DMP. This will vary be based on the actual number and type of water quality certification received.

(c) How much will it cost to administer this program for the first year? Based on an average of 200 permits per year, the cost to administer this program will be $470,000 for the first year. The Division of Mine Permits estimates a cost of $160,200 for the first year.

(d) How much will it cost to administer this program for subsequent years? The average cost to administer this program in subsequent years will be $470,000 to $550,000 per year for DOW and $160,200 for DMP. This will vary be based on the actual number and type of water quality certification received.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of February 11, 2008

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(9), the following reports were forwarded to the Legislative Research Commission by the appropriate jurisdictional committees and are hereby printed in the Administrative Register. The administrative regulations listed in each report became effective upon adjournment of the committee meeting at which they were considered.

HOUSE STANDING COMMITTEE ON HEALTH AND WELFARE
Meeting of March 13, 2008

The following administrative regulations were available for consideration and placed on the agenda of the House Standing Committee on Health and Welfare for its meeting of March 13, 2008, having been referred to the Committee on March 5, 2008, pursuant to KRS 13A.290(6):

201 KAR 20:220
201 KAR 21:081
201 KAR 22:020
902 KAR 19 020
910 KAR 1:090
910 KAR 1:160
910 KAR 1:231
921 KAR 1:380
921 KAR 1:400
921 KAR 1:410
921 KAR 1:430
921 KAR 2.015 & E
922 KAR 2:002
922 KAR 2:090
922 KAR 2:100
922 KAR 2:110
922 KAR2:120

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the March 13, 2008 meeting, which are hereby incorporated by reference.

HOUSE STANDING COMMITTEE ON EDUCATION
Meeting of March 18, 2008

The following administrative regulations were available for consideration and placed on the agenda of the House Standing Committee on Education for its meeting on March 18, 2008, having been referred to the Committee on March 5, 2008, pursuant to KRS 13A.290(6):

705 KAR 4:250 & E

The following administrative regulations were found to be deficient pursuant to KRS 13A 290(7) and 13A.030(2):

None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

None

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the House Standing Committee on Education meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates J - 2

The Locator Index lists all administrative regulations published in VOLUME 34 of the Administrative Register from July, 2007 through June, 2008. It also lists the page number on which each administrative regulation is published, the effective date of the administrative regulation after it has completed the review process, and other action which may affect the administrative regulation. NOTE: The administrative regulations listed under VOLUME 33 are those administrative regulations that were originally published in VOLUME 33 (last year's) issues of the Administrative Register but had not yet gone into effect when the 2007 bound Volumes were published.

KRS Index J - 13

The KRS Index is a cross-reference of statutes to which administrative regulations relate. These statute numbers are derived from the RELATES TO line of each administrative regulation submitted for publication in VOLUME 34 of the Administrative Register.

Technical Amendment Index J - 27

The Technical Amendment Index is a list of administrative regulations which have had technical, nonsubstantive amendments entered since being published in the 2007 bound Volumes. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10) or 13A.312(2). Since these changes were not substantive in nature, administrative regulations appearing in this index will NOT be published in the Administrative Register. NOTE: Copies of the technically amended administrative regulations are available for viewing on the Legislative Research Commission Web site at http://www.lrc.ky.gov/home htm.

Subject Index J - 29

The Subject Index is a general index of administrative regulations published in VOLUME 34 of the Administrative Register, and is mainly broken down by agency.

Regulation Number	33 Ky.R. Page No.	Effective Date

VOLUME 33

The administrative regulations listed under VOLUME 33 are those administrative regulations that were originally published in Volume 33 (last year's) issues of the Administrative Register but had not yet gone into effect when the 2007 bound Volumes were published.

EMERGENCY ADMINISTRATIVE REGULATIONS:
(Note: Emergency regulations expire 180 days from the date filed, or 180 days from the date filed plus number of days of requested extension, or upon replacement or repeal, whichever occurs first.)

Regulation Number	33 Ky.R. Page No.	Effective Date
31 KAR 5:010E	3325	4-2-07
Replaced		(See 34 Ky.R.)
201 KAR 20:070E	3586	5-11-07
Replaced	4205	8-16-07
301 KAR 2.221E	1493	11-1-06
Replaced	1625	3-9-07
301 KAR 2:222E	1494	11-1-06
Replaced	2275	3-9-07
301 KAR 2:223E	1500	11-1-06
Replaced	1632	3-9-07
502 KAR 32:010	3327	4-12-07
Replaced		(See 34 Ky.R.)
806 KAR 17:540E	1233	10-13-06
Replaced	1841	3-9-07
806 KAR 17:545E	1235	10-13-06
806 KAR 17.555E	1238	10-13-06
902 KAR 45:150E	1502	11-14-06
Replaced	1728	3-1-07
907 KAR 1:025E	3143	3-1-07
Replaced	4186	7-6-07
907 KAR 1:155		
Resubmitted	1058	9-1-06
Replaced	2314	3-9-07
907 KAR 3.010E		
Resubmitted	1062	9-1-06
908 KAR 2:190E	1507	10-17-06
Replaced	2324	3-1-07

ORDINARY ADMINISTRATIVE REGULATIONS:

Regulation Number	33 Ky.R. Page No.	Effective Date
11 KAR 4:080		
Amended	3224	
As Amended	3589	7-6-07
11 KAR 5:033		
Amended	3225	
As Amended	3589	7-6-07
11 KAR 5.034		
Amended	3226	
As Amended	3590	7-6-07
11 KAR 5:140		
Amended	3228	7-6-07
11 KAR 6.010		
Amended	3230	
As Amended	3590	7-6-07
11 KAR 16.010		
Amended	3232	
As Amended	3592	7-6-07
11 KAR 16:070	3304	
As Amended	3593	7-6-07
16 KAR 1:030		
Amended	3423	7-19-07
16 KAR 9:080	3567	(See 34 Ky.R.)
17 KAR 1:020	3078	
As Amended	3593	7-6-07
31 KAR 3.010		
Amended	3235	
As Amended	3595	7-6-07
31 KAR 4:100		
Amended	3237	
As Amended	3596	
31 KAR 5.010		
Amended	3425	(See 34 Ky R.)
101 KAR 2.046		
Amended	4195	(See 34 Ky.R.)
101 KAR 2.056		
Amended	4197	(See 34 Ky.R.)
101 KAR 2:066		
Amended	4199	(See 34 Ky R)
102 KAR 1:030		
Amended	3427	(See 34 Ky.R.)
102 KAR 1:036		
Amended	3428	(See 34 Ky R.)
102 KAR 1:038		
Amended	3430	(See 34 Ky.R.)
102 KAR 1:175		
Amended	3431	(See 34 Ky.R.)
103 KAR 20:500	1013	
106 KAR 5 005	3113	
As Amended	3597	7-6-07
106 KAR 5:010	3114	
As Amended	3598	7-6-07
106 KAR 5.020	3116	
As Amended	3599	7-6-07
106 KAR 5:030	3118	
As Amended	3600	7-6-07
106 KAR 5 040	3120	
As Amended	3601	7-6-07
201 KAR 2.250		
Amended	4201	(See 34 Ky.R.)
201 KAR 2:260	3305	
As Amended	3602	6-20-07
201 KAR 9 460	4269	(See 34 Ky R.)
201 KAR 11:220		
Amended	3434	8-31-07
201 KAR 16 010		
Amended	3238	(See 34 Ky R.)
201 KAR 16:060		
Amended	3240	
Withdrawn		5-30-07
201 KAR 18:040		
Amended	4203	8-31-07
201 KAR 18:111	3569	(See 34 Ky.R.)
201 KAR 20:070		
Amended	4205	8-16-07
201 KAR 20:370		
Amended	4207	8-16-07
201 KAR 20:411		
Amended	4209	8-16-07
201 KAR 22:020		
Amended	3436	8-16-07
201 KAR 22 040		
Amended	3438	8-16-07
201 KAR 30:180		
Amended	4211	(See 34 Ky.R.)
201 KAR 36:070		
Amended	3242	6-20-07
202 KAR 6:020		
Amended	4214	(See 34 Ky.R.)
202 KAR 6.030		
Amended	4217	(See 34 Ky.R.)
202 KAR 6.060		
Amended	4218	(See 34 Ky.R)
202 KAR 6:070		
Amended	4220	(See 34 Ky R.)
202 KAR 6 100		
Amended	4221	(See 34 Ky.R)
301 KAR 2:122	2831	6-13-07

Regulation Number	33 Ky.R. Page No.	Effective Date
301 KAR 2:132		
Amended	3440	(See 34 Ky.R.)
301 KAR 2:172		
Amended	3444	(See 34 Ky.R.)
301 KAR 2:174		
Repealed	3570	8-6-07
301 KAR 2:175*(r)*	3570	8-6-07
301 KAR 2:177	3571	8-6-07
301 KAR 2:178		
Amended	3447	8-6-07
301 KAR 2:179		
Repealed	3571	8-6-07
301 KAR 2:185		
Amended	3243	
As Amended	3603	6-13-07
301 KAR 2.195		
Amended	3452	(See 34 Ky.R.)
301 KAR 2:251		
Amended	3426	
As Amended	3604	6-13-07
301 KAR 3.022		
Amended	3456	8-6-07
301 KAR 5:030		
Amended	4224	8-23-07
401 KAR 57:002		
Amended	4227	(See 34 Ky R.)
401 KAR 58.025		
Amended	4229	(See 34 Ky.R)
401 KAR 60.005		
Amended	4231	(See 34 Ky R.)
401 KAR 60:670		
Amended	4234	(See 34 Ky.R.)
401 KAR 63 002		
Amended	4236	
401 KAR 63:023*(r)*	4270	
Withdrawn		8-21-07
401 KAR 64.001	4271	
Withdrawn		8-21-07
401 KAR 64.005	4275	
Withdrawn		8-21-07
401 KAR 64:010	4279	
Withdrawn		8-21-07
401 KAR 64 020	4283	
Withdrawn		8-21-07
401 KAR 64:030	4286	
Withdrawn		8-21-07
401 KAR 64.050	4288	
Withdrawn		8-21-07
501 KAR 6 020		
Amended	4241	(See 34 Ky R.)
501 KAR 6.030		
Amended	4243	(See 34 Ky.R.)
501 KAR 6:070		
Amended	4245	(See 34 Ky R)
501 KAR 6.240		
Amended	4247	(See 34 Ky.R.)
502 KAR 20.020		
Amended	4249	(See 34 Ky.R)
502 KAR 32:010		
Amended	3459	(See 34 Ky.R.)
503 KAR 1:170		
Amended	4253	(See 34 Ky R.)
603 KAR 4:045		
Amended	3042	
As Amended	4162	7-6-07
701 KAR 5:110		
Amended	3045	7-6-07
702 KAR 7:065		
Amended	3461	(See 34 Ky.R.)
707 KAR 1:280		
Amended	3463	(See 34 Ky.R.)
707 KAR 1:290		
Amended	3468	
707 KAR 1:300		
Amended	3470	(See 34 Ky.R.)
707 KAR 1:310		
Amended	3473	(See 34 Ky.R.)
707 KAR 1:320		
Amended	3476	(See 34 Ky R.)
707 KAR 1:330		
Repealed	3572	11-5-07
707 KAR 1:331*(r)*	3572	11-5-07
707 KAR 1:340		
Amended	3480	(See 34 Ky.R.)
707 KAR 1:350		
Amended	3488	(See 34 Ky R.)
707 KAR 1:360		
Amended	3490	(See 34 Ky.R.)
707 KAR 1:370		
Amended	3492	(See 34 Ky R.)
707 KAR 1:380		
Amended	3496	(See 34 Ky.R.)
802 KAR 1:010		
Amended	2202	
Amended	3217	
As Amended	4164	7-6-07
803 KAR 2:300		
Amended	3499	(See 34 Ky.R.)
803 KAR 2:305		
Amended	3501	(See 34 Ky.R.)
803 KAR 2:318		
Amended	3503	(See 34 Ky.R.)
804 KAR 9:040		
Amended	3506	8-6-07
805 KAR 7:010		
Amended	3076	
Amended	3413	(See 33 Ky R)
805 KAR 7:100	3124	
Amended	3414	(See 33 Ky.R.)
805 KAR 11.001	3126	(See 34 Ky.R.)
Amended	3416	
805 KAR 11:010	3128	(See 34 Ky R.)
Amended	3417	
805 KAR 11:020	3130	(See 34 Ky.R.)
Amended	3419	
806 KAR 6:120	4290	(See 34 Ky.R.)
806 KAR 12:120	4292	(See 34 Ky R.)
806 KAR 12:140	4294	(See 34 Ky.R.)
806 KAR 12 150	4299	(See 34 Ky.R.)
806 KAR 12.160	4301	(See 34 Ky.R.)
806 KAR 12:170	4305	(See 34 Ky.R.)
806 KAR 14:005		
Amended	4258	(See 33 Ky.R.)
806 KAR 15 060	4307	(See 34 Ky.R.)
806 KAR 15.070	4311	(See 34 Ky.R.)
815 KAR 4.010		
Amended	3249	
As Amended	4167	7-6-07
815 KAR 7:120		
Amended	3250	
As Amended	4168	7-6-07
815 KAR 7:125		
Amended	3253	(See 34 Ky.R.)
815 KAR 10:060		
Amended	3255	
As Amended	4169	7-6-07
815 KAR 20 015	3308	
As Amended	4172	7-6-07
815 KAR 20:020		
Amended	3258	7-6-07
815 KAR 20.078		
Amended	3262	
815 KAR 20:110		
Amended	3264	

Regulation Number	33 Ky.R. Page No.	Effective Date
As Amended	4173	7-6-07
815 KAR 20:120		
Amended	3266	
As Amended	4174	7-6-07
815 KAR 20:130		
Amended	3273	
As Amended	4180	7-6-07
815 KAR 20:150		
Amended	3277	
As Amended	4183	7-6-07
815 KAR 35:060		
Amended	3279	
As Amended	4184	7-6-07
820 KAR 1:001		
Amended	3508	(See 34 Ky R.)
820 KAR 1.015		
Amended	3511	(See 34 Ky.R)
820 KAR 1:025		
Amended	3512	(See 34 Ky R.)
820 KAR 1:029		
Amended	3514	8-31-07
820 KAR 1:032		
Amended	3516	(See 34 Ky.R)
820 KAR 1:036		
Amended	3518	(See 34 Ky.R.)
820 KAR 1 046		
Amended	3522	(See 34 Ky.R.)
820 KAR 1:050		
Amended	3525	(See 34 Ky R)
820 KAR 1.055		
Amended	3526	(See 34 Ky R)
820 KAR 1 056		
Amended	3528	8-31-07
820 KAR 1:057		
Amended	3530	(See 34 Ky.R)
820 KAR 1:058		
Amended	3531	(See 34 Ky.R.)
820 KAR 1.120		
Amended	3536	(See 34 Ky.R)
900 KAR 6:050		
Amended	3282	(See 34 Ky R.)
902 KAR 2:080		
Amended	3295	(See 34 Ky.R.)
902 KAR 105.040		
Amendment	1733	(See 34 Ky.R)
902 KAR 105 060		
Repealed	1759	10-17-07
902 KAR 105:061 *(r)*	1759	10-17-07
902 KAR 105:070		
Amendment	1736	(See 34 Ky.R.)
907 KAR 1:025		
Amended	3297	
As Amended	4186	7-6-07
907 KAR 3:005		
Amended	4259	
Withdrawn		7-12-07
907 KAR 3.010		
Amended	4264	7-12-07
908 KAR 3:050		
Amended	3537	(See 34 Ky R)
908 KAR 3:060		
Amended	3539	(See 34 Ky.R.)
922 KAR 1:300		
Amended	3543	(See 34 Ky.R.)
922 KAR 1:310		
Amended	3552	(See 34 Ky R.)

VOLUME 34

EMERGENCY ADMINISTRATIVE REGULATIONS:
(Note: Emergency regulations expire 180 days from the date filed; or 180 days from the date filed plus number of days of requested extension, or upon replacement or repeal, whichever occurs first.)

31 KAR 5:010E		(See 33 Ky R)
Replaced	12	8-6-07
101 KAR 2:210E	1627	12-7-07
103 KAR 3:010E	2066	2-11-08
103 KAR 3:030E	2266	2-19-08
103 KAR 3.040E	1925	1-15-08
103 KAR 31.180E	1350	11-15-07
103 KAR 50:020E	531	7-31-07
Expired		1-27-08
103 KAR 50:030E	703	8-16-07
Replaced	1701	2-1-07
103 KAR 50.040E	532	7-31-07
Expired		1-27-08
103 KAR 50 050E	704	8-16-07
105 KAR 1:390E	534	8-15-07
Replaced	1388	1-4-08
106 KAR 2·020E	156	6-25-07
Replaced	707	11-1-07
201 KAR 30:190E	1628	12-14-07
301 KAR 2:221E	1351	11-14-07
Replaced	1535	3-7-08
301 KAR 2:222E	1354	11-14-07
Replaced	1949	3-7-08
301 KAR 2:225E	907	10-15-07
307 KAR 1 040E	909	10-8-07
401 KAR 9·010E	2275	3-3-08
401 KAR 51:001E	912	9-28-07
Withdrawn		1-10-08
401 KAR 51 017E	924	9-28-07
Withdrawn		1-10-08
401 KAR 51:052E	939	9-28-07
Withdrawn		1-10-08
401 KAR 52:001E	953	9-28-07
Withdrawn		1-10-08
502 KAR 32 010E		(See 33 Ky.R)
Replaced	27	8-6-07
503 KAR 1:190E	2069	2-6-08
705 KAR 4 250E	1662	12-14-07
806 KAR 17:180E	537	7-13-07
Replaced	1507	2-1-08
806 KAR 17:545E	157	6-29-07
Replaced	1427	1-4-08
806 KAR 17.555E	161	6-29-07
Expired		12-26-07
900 KAR 7.020E	958	9-18-37
907 KAR 1.011E	1634	11-20-07
907 KAR 1.013E	***	10-15-07
Withdrawn		11-15-07
Resubmitted	1358	11-15-07
907 KAR 1:015E	164	7-12-07
907 KAR 1:038E	1641	11-20-07
907 KAR 1:039E	1645	11-20-07
907 KAR 1:054E	1647	11-20-07
907 KAR 1.061E	1374	10-25-07
907 KAR 1:082E	1651	11-20-07
907 KAR 1:145E	167	7-12-07
Replaced	1453	1-4-08
907 KAR 1:160E	1653	12-5-07
907 KAR 1:170E	181	7-12-07
Replaced	1465	1-4-08
907 KAR 1:604E	1660	11-20-07
907 KAR 1.631E	1666	11-20-07

Regulation Number	34 Ky.R. Page No.	Effective Date
907 KAR 1:640E	1668	11-20-07
907 KAR 1:645E	1672	11-20-07
907 KAR 1 672E	185	7-12-07
Replaced	1470	1-4-08
907 KAR 1.815E	1376	11-15-07
907 KAR 1:820E	1381	11-15-07
907 KAR 1:900E	1676	11-20-07
907 KAR 3.005E	190	7-12-07
Replaced	1474	1-4-08
907 KAR 3 010E	195	7-12-07
Replaced	1478	1-4-08
907 KAR 3:090E	199	7-12-07
Replaced	1480	1-4-08
920 KAR 2:040E	5	6-4-07
Replaced	1494	12-17-07
921 KAR 2 015E	1680	12-07-07
922 KAR 1:050E	212	7-12-07
Replaced	1497	12-17-07
922 KAR 1:360E	216	6-28-07
Replaced	1500	12-17-07

ORDINARY ADMINISTRATIVE REGULATIONS:

Regulation Number	34 Ky.R. Page No.	Effective Date
11 KAR 3:100		
Amended	93	9-10-07
11 KAR 4:080		
Amended	2322	
11 KAR 5:001		
Amended	822	
As Amended	1386	1-4-08
11 KAR 5:034		
Amended	824	
As Amended	1387	1-4-08
11 KAR 5:145		
Amended	106	9-10-07
Amended	2323	
11 KAR 5 200		
Amended	1761	
As Amended	2073	
11 KAR 8:030		
Amended	1762	
As Amended	2074	
11 KAR 8 040		
Amended	1766	
As Amended	2076	
11 KAR 14:080		
Amended	1769	
As Amended	2078	
11 KAR 16:001		
Amended	1771	
As Amended	2079	
11 KAR 16 010		
Amended	1773	
As Amended	2079	
11 KAR 16:060		
Amended	1775	
As Amended	2081	
11 KAR 18:010		
Amended	2325	
13 KAR 2.020		
Amended	108	
Amended	590	
As Amended	961	12-7-07
16 KAR 1:010		
Amended	1074	
As Amended	1686	2-1-08
16 KAR 1:030		(See 33 Ky.R)
As Amended	9	
16 KAR 2:010		
Amended	1079	
As Amended	1687	2-1-08
16 KAR 4:010		
Amended	1079	
As Amended	1689	2-1-08
16 KAR 5.010		
Amended	1081	
As Amended	1690	2-1-08
16 KAR 8.021		
Repealed	1699	2-1-08
16 KAR 8.022*(r)*	1297	
As Amended	1699	2-1-08
16 KAR 9.080		(See 33 Ky.R.)
As Amended	10	7-19-07
17 KAR 3:030	1899	
As Amended	2082	
31 KAR 4:120		
Amended	826	
As Amended	1388	1-4-08
31 KAR 5:010		(See 33 Ky R)
As Amended	12	8-6-07
31 KAR 5:020		
Repealed	888	1-4-08
31 KAR 5 030		
Repealed	888	1-4-08
31 KAR 5.031*(r)*	888	1-4-08
31 KAR 6:030		
Amended	112	
As Amended	540	10-5-07
31 KAR 6:040	2250	
40 KAR 4.010		
Amended	1777	
As Amended	2084	
101 KAR 1.325		
Amended	2022	
101 KAR 1:335		
Amended	1517	
Withdrawn		2-15-08
101 KAR 2:034		
Amended	1519	
As Amended	2085	
101 KAR 2.046		(See 33 Ky R.)
As Amended	223	8-31-07
101 KAR 2:056		(See 33 Ky.R.)
As Amended	224	8-31-07
101 KAR 2:066		(See 33 Ky.R)
As Amended	225	8-31-07
101 KAR 2.120		
Amended	614	
As Amended	964	12-7-07
101 KAR 2:210		
Amended	1091	
Withdrawn		12-7-07
Amended	1779	
As Amended	2089	
101 KAR 2:220	1587	
101 KAR 2:230	1591	
As Amended	2089	
102 KAR 1:030		(See 33 Ky.R.)
As Amended	227	8-31-07
102 KAR 1.036		(See 33 Ky.R.)
As Amended	228	8-31-07
102 KAR 1:038		(See 33 Ky.R.)
As Amended	228	8-31-07
102 KAR 1:175		(See 33 Ky R.)
As Amended	13	7-19-07
103 KAR 3:010		
Amended	2203	
103 KAR 3 030		
Amended	2329	
103 KAR 3:040		
Amended	2024	
103 KAR 8:130	673	
As Amended	967	12-7-07
103 KAR 8.140	374	

Regulation Number	34 Ky.R. Page No.	Effective Date
As Amended	967	12-7-07
103 KAR 8 150	675	
As Amended	968	12-7-07
103 KAR 31:180	1592	
103 KAR 50.020	677	
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(r) Repealer regulation: KRS 13A.310-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.

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156.070	702 KAR 3:270
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156.160	13 KAR 2 020
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156 200	702 KAR 3:130
157	922 KAR 2 090
157.200	707 KAR 1:280
157.220	707 KAR 1:280
157.224	707 KAR 1:280
157.226	707 KAR 1:280
157.230	707 KAR 1:280
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157.285	707 KAR 1·280
157.290	707 KAR 1:280
157.320	702 KAR 3.270
157.360	702 KAR 3:270
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157.370	702 KAR 3 270
157.390	16 KAR 8.022
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157.410	702 KAR 3:270
157.430	702 KAR 3:270
157.440	702 KAR 3.270
157.615	702 KAR 3 270
158.030	707 KAR 1.280
158.100	707 KAR 1:280
158.135	702 KAR 3:270
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158.145	703 KAR 5.020
158.150	707 KAR 1.280
158.645	703 KAR 5.001
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158.782	16 KAR 4 010
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158 808	705 KAR 4:250
158.6451	16 KAR 2:010
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158.6453	703 KAR 5:001
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158.6455	703 KAR 5.001
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158.6457	703 KAR 5 001
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159.051	601 KAR 13 070
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161.030	16 KAR 1.010
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160.470	702 KAR 3:270
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161.095	16 KAR 1 010
161.120	16 KAR 1:010
161.145	702 KAR 5:080
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161.175	701 KAR 5:130
161.700	921 KAR 1:410
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186.440	601 KAR 13:070
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186.450	601 KAR 13 070
186.470	601 KAR 13.070
186.560	601 KAR 13.070
186.570	921 KAR 1:410
189.540	702 KAR 5:080
190 031	605 KAR 1:031
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194A.060	907 KAR 1:044
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198B.090	815 KAR 10.060
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198B.480	815 KAR 4 010
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199.462	922 KAR 1:050
199.470	922 KAR 1:310
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199 493	922 KAR 1:310
199.510	922 KAR 1:310
199.520	922 KAR 1:310
199.555	922 KAR 1:050
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199.557	922 KAR 1:050
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205.638	907 KAR 1:013
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205.640	907 KAR 1:013
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205.641	907 KAR 1:013
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205.705	921 KAR 1:380
205.710	921 KAR 1:430
205.712	921 KAR 1:430
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209.030	910 KAR 1:160
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216.557	921 KAR 2.015
216.595	910 KAR 1:240
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227.320	815 KAR 10 060
227.330	815 KAR 10.060
227.550	815 KAR 25.050
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227.555	815 KAR 25:050
227.560	815 KAR 25:070
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227.570	815 KAR 25.050
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227.580	815 KAR 25:050
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227.590	815 KAR 25:050
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227.630	815 KAR 25:080
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230.218	810 KAR 1:021
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235.990	301 KAR 1:015
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243.720	103 KAR 3.010
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248.756	103 KAR 3.010
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257.010	302 KAR 20 030
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314.035	201 KAR 20:470
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Issuance, expiration, and renewal of certification to carry a concealed deadly weapon pursuant to LEOSA, 18 USC 926C; 502 KAR 13 040
Range qualification for certification under LEOSA, 18 U.S.C. 926C; 502 KAR 13 030
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