

ADMINISTRATIVE REGISTER OF KENTUCKY



LEGISLATIVE RESEARCH COMMISSION
Frankfort, Kentucky

VOLUME 38, NUMBER 11
TUESDAY, MAY 1, 2012

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ADMINISTRATIVE REGISTER OF KENTUCKY



LEGISLATIVE RESEARCH COMMISSION
Frankfort, Kentucky

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TUESDAY, MAY 1, 2012

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MEETING NOTICE: ARRS

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet May 8, 2012 at 1:00 p.m. in room 149 Capitol Annex. See **tentative agenda** on pages 1817-1818 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
TENTATIVE AGENDA, MAY 8, 2012, at 1:00 p.m., Room 149 Capitol Annex**

**KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student and Administrative Services**

Authority

11 KAR 4:080. Student aid applications. (Deferred from April)

KHEAA Grant Programs

11 KAR 5:145. CAP grant award determinations procedure. (Deferred from April)

EDUCATION PROFESSIONAL STANDARDS BOARD

Certification Procedures

16 KAR 4:030. Out-of-state preparation.

PERSONNEL CABINET

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101 KAR 2:140. Workers' Compensation Fund and Program. (Deferred from January)

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101 KAR 3:015. Leave administrative regulations for the unclassified service. (Deferred from January)

GENERAL GOVERNMENT CABINET

Board of Nursing

Board

201 KAR 20:490. Licensed practical nurse intravenous therapy scope of practice.

Board of Social Work

Board

201 KAR 23:015. Temporary permission to practice.

Kentucky Real Estate Appraisers Board

Board

201 KAR 30:050. Examination and experience requirement.

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Kentucky Board of Emergency Medical Services

Board

202 KAR 7:601. Training, education, and continuing education.

TOURISM, ARTS AND HERITAGE CABINET

Department of Fish and Wildlife Resources

Fish

301 KAR 1:201. Recreational fishing limits.

301 KAR 1:410. Taking of fish by nontraditional fishing methods.

Game

301 KAR 2:251. Hunting and trapping seasons and limits for furbearers. (Deferred from April)

JUSTICE AND PUBLIC SAFETY CABINET

Department of Corrections

Office of the Secretary

501 KAR 6:091. Repeal of 501 KAR 6:090.

501 KAR 6:200. Comprehensive sex offender presentence evaluation procedure.

501 KAR 6:240. Home incarceration using an approved monitoring device.

Kentucky Law Enforcement Council

Council

503 KAR 1:110. Department of Criminal Justice Training basic training: graduation requirements; records.

General Training Provision

503 KAR 3:070. Telecommunications (Public Safety Dispatch Non-CJIS) Academy. (Deferred from April)

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Department of Vehicle Regulation
Division of Motor Carriers**

Division

601 KAR 1:018. Special overweight or overdimensional motor vehicle load permits. (Not Amended After Comments)(Deferred from April)

601 KAR 1:019. Overweight or overdimensional farm equipment. (Deferred from February)

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education**

General Administration

702 KAR 1:160. School health services.

School Terms, Attendance and Operation

702 KAR 7:065. Designation of agent to manage high school interscholastic athletics.

Kindergartens and Nursery Schools

704 KAR 5:070. Common Kindergarten entry screener. (Deferred from February)

**GENERAL GOVERNMENT CABINET
Board of Home Inspectors**

Board

815 KAR 6:010. Home inspector licensing requirements and maintenance of records. (Amended After Comments)

815 KAR 6:070. Per diem and reimbursement for traveling and other expenses for board members. (Not Amended After Comments)

**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Family Support**

K-TAP, Kentucky Works, Welfare to Work, State Supplementation

921 KAR 2:015 & E. Supplemental programs for persons who are aged, blind, or have a disability. ("E" expires 7/25/2012)(Not Amended After Comments)

Food Stamp Program

921 KAR 3:035. Certification process.

**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.

A transcript of the hearing is not required 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.

VOLUME 38, NUMBER 11 – MAY 1, 2012
EMERGENCY ADMINISTRATIVE REGULATIONS FILED AS OF NOON, APRIL 13, 2012

NONE

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY
AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

FINANCE AND ADMINISTRATION CABINET
Department of Revenue
(As Amended at ARRS, April 11, 2012)

103 KAR 3:010. General Administrative Forms Manual.

RELATES TO: KRS 42.470, 61.870-61.884, 64.012, 131.010(9), 131.020, 131.030, 131.041, 131.051, 131.061, 131.081, 131.081(2), (9), (15), 131.110, 131.130, 131.130(3), (10), (11), 131.150, 131.155, 131.170, 131.181, 131.183, 131.190, 131.190(1), 131.240, 131.340, 131.500, 131.500(1), (2), (3), (9), (10), 131.510(1), (2)(a), (2)(b), 131.530, 131.540, 132.020, 132.130-132.160, 132.180, 132.190, 132.200, 132.220, 132.227, 132.230, 132.260, 132.270, 132.290, 132.310, 132.320, 132.450, 132.487, 132.510, 132.820, 132.990, 133.045, 133.110, 133.120, 133.130, 133.240, 134.020, 134.390, 134.420, 134.430, 134.440, 134.500, 134.580(4), 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, 136.070, 136.071, 136.0704, 136.090, 136.100, 136.115-136.180, 136.1873, 136.310, 136.320, 136.330, 136.335, 136.377, 136.392, 136.545, 136.575, 136.600-136.660, 137.130, 137.160, 138.448, 138.885, 139.185, 139.200, 139.240, 139.330, 139.390, 139.550, 141.0401(5), 141.0401(6), 141.050(4), 141.210, 141.235, 141.340(2), 142.010, 142.050, 142.321, 142.327, 142.357, 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, 154.22-050, 154.22-060, 154.22-070, 154.23-010, 154.24-110, 154.24-130, 154.26-090, 154.28-090, 154.34-010, 155.170, 160.613-160.617, 160.6154(3), 205.745, 209.160, 224.01-310(1), 234.321, 234.370, 243.710, 243.720, 243.730, 243.850, 243.884, 248.756(2), 299.530, 304.4-030, 304.11-050, 304.49-220, 351.175, 395.470(3), 413.120

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 general administration of taxes by the Department of Revenue and not limited to a specific tax.

Section 1. Administrative - Required Forms. (1) Revenue Form 10A001, "Request to Inspect Public Records", shall be completed by the public to request access to public records specified on the form.

(2) Revenue Form 10A020, "Waiver of Appeal Rights", shall be completed by a taxpayer to reopen an audit that has become final if the taxpayer has failed to timely file a protest with the Department of Revenue.

(3) Revenue Form 10A070, "Authorization Agreement for Electronic Funds Transfer", shall be completed by taxpayers to authorize the Department of Revenue to move funds by electronic means from taxpayer accounts to the Department of Revenue as payment for taxes.

(4) Revenue Form 10A071, "EFT Bank Change", shall be completed by taxpayers who are registered as EFT ACH Debit filers to notify the department of a bank account change.

(5) Revenue Form 10A100, "Kentucky Tax Registration Application", shall:

(a) Be used by taxpayers to voluntarily apply for tax registration of the following accounts:

1. Employer's Kentucky withholding tax;
2. Corporation income tax;
3. Sales and use tax;
4. Consumer's use tax;

5. Motor vehicle tire fee;
6. Transient room tax;
7. Limited liability entity tax;
8. Utility Gross Receipts License tax;
9. Telecommunications tax;
10. Coal severance and processing tax; or
11. Coal Seller/Purchaser Certificate ID Number; and

(b) Provide the department the necessary information to properly register the taxpayer for all applicable tax accounts, including the legal business name, federal employer identification number (FEIN), address and other demographic information for the business, and each responsible party's information including full name, social security number, and residential address.

(6) Revenue Form 10A100-CS, "Kentucky Tax Registration Application", shall: [;]

(a) Be sent by the department's Division of Registration and Data Integrity to non-compliant taxpayers for the taxpayers to apply for tax registration of the following accounts:

1. Employer's Kentucky withholding tax;
2. Corporation income tax;
3. Sales and use tax;
4. Consumer's use tax;
5. Motor vehicle tire fee;
6. Transient room tax;
7. Limited liability entity tax;
8. Utility Gross Receipts License tax;
9. Telecommunications tax;
10. Coal severance and processing tax; or
11. Coal Seller/Purchaser Certificate ID Number; and

(b) Provide the department the necessary information to properly register the taxpayer for all applicable tax accounts, including the legal business name, federal employer identification number (FEIN), address and other demographic information for the business, and each responsible party's information including full name, social security number, and residential address.

(7) Revenue Form 10A100-I, "Instructions, Kentucky Tax Registration Application", shall provide instructions for the proper completion of Revenue Form 10A100, "Kentucky Tax Registration Application", which is used to apply for employer's Kentucky withholding tax, corporation income tax, sales and use tax, consumer's use tax, motor vehicle tire fee, transient room tax, limited liability entity tax, utility gross receipts license tax, telecommunications tax, coal severance and processing tax, or the coal seller/purchaser certificate ID number.

(8) Revenue Form 10A100-CS(I), "Instructions, Kentucky Tax Registration Application", shall provide instructions for the proper completion of Revenue Form 10A100-CS, "Kentucky Tax Registration Application", which is used to apply for employer's Kentucky withholding tax, corporation income tax, sales and use tax, consumer's use tax, motor vehicle tire fee, transient room tax, limited liability entity tax, utility gross receipts license tax, telecommunications tax, coal severance and processing tax, or the coal seller/purchaser certificate ID number.

(9) Revenue Form 10A104, "Update or Cancellation of Kentucky Tax Account(s)", shall:

(a) Be used by the taxpayer to update business information or to cancel accounts for the following taxes:

1. Employer's Kentucky withholding tax;
2. Corporation income tax;
3. Sales and use tax;
4. Consumer's use tax;
5. Motor vehicle tire fee;
6. Transient room tax;
7. Limited liability entity tax;
8. Utility Gross Receipts License tax;
9. Telecommunications tax; or
10. Coal severance and processing tax; and [;]

(b) Provide~~The update form provides~~ the department the necessary information to properly update and maintain demographic information of the business for all applicable tax accounts, including the legal business name, federal employer identification number (FEIN), address and other demographic information for the business, and each responsible party's information including full name, social security number, and residential address.

(10) Revenue Form 10A104-I, "Instructions Update or Cancellation of Kentucky Tax Account(s)", shall provide instructions for the proper completion of Revenue Form 10A104.

(11) Revenue Form 10A106, "Appointment of Taxpayer Administrator and Authorized Users for Kentucky Online Tax", shall be used to establish a taxpayer administrator and authorized users for use of the Kentucky Online Tax System.

(12) Revenue Form 10A2000, "Request for Return/Information", shall be used to request information from the disclosure office as an inter-agency request or as a request from an outside agency.

~~(13)~~~~(42)~~ Revenue Form 10F060, "Electronic Funds Transfer Program: ACH Credit Guide", shall provide information on the specific requirements of the Department of Revenue's Credit Method of tax remittance for the Electronic Funds Transfer Program.

~~(14)~~~~(43)~~ Revenue Form 10F061, "Electronic Funds Transfer Program: Debit Guide", shall provide instructions to the taxpayer on how to authorize the Department of Revenue to electronically debit a taxpayer controlled account in an Automated Clearing House participating financial institution for the amount which the taxpayer reports to the state's data collection service.

~~(15)~~~~(44)~~ Revenue Form 10F100, "Your Rights As a Kentucky Taxpayer", shall provide the public with information describing taxpayer rights provided by KRS Chapters 131, 133, and 134.

~~(16)~~~~(45)~~ Revenue Form 12A012, "Receipt of Seized Property", shall be presented for execution to the taxpayer receiving returned property from the Kentucky Department of Revenue that was previously seized for failure to pay taxes in order to establish documentation that the property was returned to the taxpayer.

~~(17)~~~~(46)~~ Revenue Form 12A018, "Kentucky Department of Revenue Offer in Settlement Application", shall be presented for execution to persons requesting to settle their tax liabilities for less than the delinquent tax liability based upon doubt as to collectability or doubt as to liability.

~~(18)~~~~(47)~~ Revenue Form 12A104, "Notice of Seizure", shall be presented to the owner or officer of the entity from which the Kentucky Department of Revenue is seizing property for failure to pay taxes owed to the Commonwealth.

~~(19)~~~~(48)~~ Revenue Form 12A107, "Notice of Sale", shall be presented to the owner of seized property, published in the newspaper with the highest circulation for that area, and posted at the courthouse, at three (3) other public places within the county, and where the seizure was made, for the purpose of notifying the property owner, and advertising to the public the sale of the seized property.

~~(20)~~~~(49)~~ Revenue Form 12A109-1, "Release of Bank Levy", shall be presented to the bank on which the levy was served for the purpose of releasing the seized property.

~~(21)~~~~(20)~~ Revenue Form 12A109-2, "Release of Levy", shall be presented to the party on which the levy was served for the purpose of releasing the seized property.

~~(22)~~~~(24)~~ Revenue Form 12A109-3, "Release of Levy", shall be presented to the party on which the levy was served for the purpose of releasing the seized property related to child support.

~~(23)~~~~(22)~~ Revenue Form 12A110, "Release of Levy on Wages, Salary, and Other Income", shall be presented to an employer for the purpose of releasing a wage levy.

~~(24)~~~~(23)~~ Revenue Form 12A110-1, "Release of Levy on Wages, Salary, and Other Income", shall be presented to an employer for the purpose of releasing a wage levy related to child support.

~~(25)~~~~(24)~~ Revenue Form 12A500, "Certificate of Partial Discharge of Tax Lien", shall be presented to anyone who makes a proper application for a lien release on a specific piece of property if the Department of Revenue's lien attaches no equity or if the equity that the lien encumbers is paid to the Department of Revenue.

~~(26)~~~~(25)~~ Revenue Form 12A501, "Certificate of Subordination

of Kentucky Finance and Administration Tax Lien", shall be presented to anyone who makes proper application requesting that the Department of Revenue subordinate its lien position to a new mortgage and demonstrates that the subordination is in the Commonwealth's best interest.

~~(27)~~~~(26)~~ Revenue Form 12A502, "Application for Certificate of Subordination of Kentucky Tax Lien", shall be presented to anyone who requests to have the Department of Revenue subordinate its lien position to a new mortgage.

~~(28)~~~~(27)~~ Revenue Form 12A503, "Application for Specific Lien Release", shall be presented to anyone who requests that the Department of Revenue release its tax lien so that a specific piece of property can be sold.

~~(29)~~~~(28)~~ Revenue Form 12A504, "Personal Assessment of Corporate Officer or LLC Manager", shall be presented to a corporate officer for the purpose of establishing responsibility of payment of trust taxes owed to the Commonwealth.

~~(30)~~~~(29)~~ Revenue Form 12A505, "Waiver Extending Statutory Period of Assessment of Corporate Officer or LLC Manager", shall be presented to the corporate officers or LLC managers for the purpose of entering into a payment agreement to pay the trust taxes owed to the Commonwealth, and the terms of the payment agreement shall extend past the statutory period for assessing responsible corporate officers or LLC managers.

~~(31)~~~~(30)~~ Revenue Form 12A506, "Waiver Extending Statutory Period for Collection", shall be presented to the taxpayer for the purpose of extending the period in which the liability can be collected.

~~(32)~~~~(31)~~ Revenue Form 12A507, "Table for Figuring the Amount Exempt From Levy on Wages, Salary, and Other Income", shall be presented to employers with a wage levy on an employee for the purpose of calculating the dollar amount of wages due to the employee.

~~(33)~~~~(32)~~ Revenue Form 12A508-1, "Notice of Tax Due", shall be presented for the purpose of assessing an officer of a corporation who is personally liable for trust taxes owed to the Commonwealth.

~~(34)~~~~(33)~~ Revenue Form 12A508-2, "Notice of Tax Due", shall be presented for the purpose of assessing an officer of a corporation who is personally liable for Gasoline and Special Fuels taxes owed to the Commonwealth.

~~(35)~~~~(34)~~ Revenue Form 12A508-3, "Notice of Tax Due", shall be presented for the purpose of assessing a manager or partner of a limited liability company who is personally liable for trust taxes owed to the Commonwealth.

~~(36)~~~~(35)~~ Revenue Form 12A508-4, "Notice of Tax Due", shall be presented for the purpose of assessing a manager or partner of a limited liability company who is personally liable for Gasoline and Special Fuels taxes owed to the Commonwealth.

~~(37)~~~~(36)~~ Revenue Form 12A514, "Questionnaire for Persons Relative to a Notice of Assessment", shall be presented to an officer of a corporation for the purpose of resolving responsibility of the trust taxes owed to the Commonwealth.

~~(38)~~~~(37)~~ Revenue Form 12A517, "Notice of Lien", shall be presented to the county clerk for appropriate recording and to the taxpayer against whom the lien is filed for the purpose of filing and recording the tax lien in the county clerk's office and giving notification to the taxpayer.

~~(39)~~~~(38)~~ Revenue Form 12A517-1, "Notice of Child Support Lien", shall be presented to the county clerk for appropriate recording and to the taxpayer against whom the lien is filed for the purpose of filing and recording the tax lien in the county clerk's office and giving notification to the taxpayer.

~~(40)~~~~(39)~~ Revenue Form 12A518, "Certificate of Release of Lien", shall be presented to the county clerk and to the taxpayer against whom the tax lien is filed for the purpose of releasing the lien and notifying the taxpayer of the release.

~~(41)~~~~(40)~~ Revenue Form 12A518-1, "Certificate of Release of Child Support Lien", shall be presented to the county clerk and to the taxpayer against whom the child support lien is filed for the purpose of releasing the lien and notifying the obligor of the release.

~~(42)~~~~(41)~~ Revenue Form 12A638, "Statement of Financial Condition for Individuals", shall be presented to individuals request-

ing to make payments or settle their tax liability to the Commonwealth for the purpose of establishing the financial ability to make payments or settle.

(43) [(42)] Revenue Form 12A638(I), "Instructions for Completing Statement of Financial Condition for Individuals", shall provide instructions for completing Revenue Form 12A638.

(44) [(43)] Revenue Form 12A639, "Statement of Financial Condition for Businesses", shall be presented to business owners requesting to make payments or settle a tax liability to the Commonwealth for the purpose of establishing the financial ability to make payments or settle.

(45) [(44)] Revenue Form 12A639(I), "Instructions for Completing Statement of Financial Condition for Businesses", shall provide instructions for completing Revenue Form 12A639.

(46) [(45)] Revenue Form 12B019, "Notice of Levy on Wages, Salary, and Other Income", shall be presented to employers for the purpose of levying wages from an employee who owes taxes to the Kentucky Department of Revenue.

(47) [(46)] Revenue Form 12B019-1, "Notice of Levy on Wages, Salary, and Other Income", shall be presented to employers for the purpose of levying wages from an employee who owes child support.

(48) [(47)] Revenue Form 12B020, "Notice of Levy", shall be presented to banks for the purpose of levying bank accounts of taxpayers who owe taxes to the Kentucky Department of Revenue.

(49) [(48)] Revenue Form 12B020-2, "Notice of Levy", shall be presented to banks for the purpose of levying bank accounts of obligors who owe child support.

(50) [(49)] Revenue Form 21A020, "Request for Copy of Tax Refund Check", shall be completed and submitted to the Department of Revenue in order to obtain a copy of a cashed refund check.

(51) [(50)] Revenue Form 30A005, "Temporary Vendor's Sales Tax Permit", shall be presented to temporary and transient vendors who do not have a permanent place of business for the purpose of remitting tax on a non-permit basis, as required by 103 KAR 25:060.

(52) [(51)] Revenue Form 30A006, "Temporary Vendor Sales and Use Tax Return/Processing Document", shall be used to register temporary vendors who do business in the Commonwealth of Kentucky.

(53) [(52)] Revenue Form 30A872, "Record of Money Receipt Issued", shall be used by Department of Revenue Field personnel to provide written documentation of acceptance of cash payments.

(54) [(53)] Revenue Form 31A001, "Vendor Contact Authorization", shall be used by a Department of Revenue representative to obtain permission from a taxpayer to contact his or her vendors concerning the issuance of exemption certificates.

(55) [(54)] Revenue Form 31A004, "Auditor Record of Money Receipt Issued", shall be used by the auditor to acknowledge payment from taxpayers of taxes determined to be tentatively due at the time of an audit.

(56) [(55)] Revenue Form 31A011-ASH, "Taxpayer Data Questionnaire", shall be used by auditors at the Ashland Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(57) [(56)] Revenue Form 31A011-BG, "Taxpayer Data Questionnaire", shall be used by auditors at the Bowling Green Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(58) [(57)] Revenue Form 31A011-CKY, "Taxpayer Data Questionnaire", shall be used by auditors at the Central Kentucky Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(59) [(58)] Revenue Form 31A011-COR, "Taxpayer Data Questionnaire", shall be used by auditors at the Corbin Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(60) [(59)] Revenue Form 31A011-HOP, "Taxpayer Data Questionnaire", shall be used by auditors at the Hopkinsville Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(61) [(60)] Revenue Form 31A011-LOU, "Taxpayer Data Questionnaire", shall be used by auditors at the Louisville Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(62) [(61)] Revenue Form 31A011-NKY, "Taxpayer Data Questionnaire", shall be used by auditors at the Northern Kentucky Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(63) [(62)] Revenue Form 31A011-OWEN, "Taxpayer Data Questionnaire", shall be used by auditors at the Owensboro Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(64) [(63)] Revenue Form 31A011-PAD, "Taxpayer Data Questionnaire", shall be used by auditors at the Paducah Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(65) [(64)] Revenue Form 31A011-PIKE, "Taxpayer Data Questionnaire", shall be used by auditors at the Pikeville Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(66) [(65)] Revenue Form 31A012, "Interstate Sales/Income Tax Questionnaire", shall be used to establish possible taxing jurisdiction for sales and use tax and income tax for the states of Ohio and Indiana.

(67) [(66)] Revenue Form 31A014, "SEATA - Southeastern Association of Tax Administrators Nexus Questionnaire", shall be used to establish possible taxing jurisdiction for sales and use tax and income tax for the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, Virginia and West Virginia.

(68) [(67)] Revenue Form 31A020, "Office of Field Operations Request for Copy of Tax Return(s)", shall be used by Department of Revenue representatives to obtain permission from a taxpayer to release tax returns.

(69) [(68)] Revenue Form 31A050, "Electronic Transmittal Authorization", shall be used by auditors to seek permission from a taxpayer to transmit audit results electronically.

(70) [(69)] Revenue Form 31A115, "Agreement Fixing Test Periods", shall be used by auditors to establish certain test periods when conducting an audit.

(71) [(70)] Revenue Form 31A149, "Agreement Fixing Period of Limitation Upon Assessment of Sales, Use or Severance Tax", shall be completed by a taxpayer and a representative of the Kentucky Department of Revenue whereby both parties consent and agree that certain sales, use or severance tax deficiencies or overpayments for specific periods may be assessed or refunded beyond the normal four (4) year statute of limitations.

(72) [(71)] Revenue Form 31A150, "Agreement Fixing Period of Limitation Upon Assessment of Utility Gross Receipts License Tax", shall be used by auditors to establish taxable periods to be held open for audit and date of assessment.

(73) [(72)] Revenue Form 31A685, "Authorization to Examine Bank Records", shall be used by the Department of Revenue to obtain permission from a taxpayer to examine records in connection with transactions at the taxpayer's bank.

(74) [(73)] Revenue Form 31A725, "Statute of Limitations Agreement", shall be completed by a taxpayer and a representative of the Kentucky Department of Revenue whereby both parties consent and agree that certain income tax deficiencies or overpayments for specific periods may be assessed or refunded beyond the normal four (4) year statute of limitations.

(75) [(74)] Revenue Form 31F006, "Southeastern States Information Exchange Program", shall be used to provide information to taxpayers concerning the information exchange program between the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, Virginia, and West Virginia.

(76) [(75)] Revenue Form 31F010, "Kentucky's Computer Assisted Audit Program", shall be the brochure used as instructions for taxpayers who submit tax records in an electronic format.

Section 2. Incorporation by Reference. (1) The following mate-

rial is incorporated by reference:

- (a) Revenue Form 10A001, "Request to Inspect Public Records", February 1997;
- (b) Revenue Form 10A020, "Waiver of Appeal Rights", January 2001;
- (c) Revenue Form 10A070, "Authorization Agreement for Electronic Funds Transfer", January 2008;
- (d) Revenue Form 10A071, "EFT Bank Change", June 2009;
- (e) Revenue Form 10A100, "Kentucky Tax Registration Application", October 2011; [July 2010];
- (f) Revenue Form 10A100-CS, "Kentucky Tax Registration Application", October 2011; [July 2010];
- (g) Revenue Form 10A100-I, "Instructions Kentucky Tax Registration Application", June 2011; [July 2010];
- (h) Revenue Form 10A100-CS(I), "Instructions Kentucky Tax Registration Application", June[January] 2011; [July 2010];
- (i) Revenue Form 10A104, "Update or[of] Cancellation of Kentucky Tax Account(s)", June 2011; [July 2010];
- (j) Revenue Form 10A104-I, "Instructions Update or Cancellation of Kentucky Tax Account(s)", June 2011; [July 2010];
- (k) Revenue Form 10A106, "Appointment of Taxpayer Administrator and Authorized Users for Kentucky Online Tax", May 2010;
- (l) Revenue Form 10A2000, "Request for Return/Information", October 2011;
- (m)[(t)] Revenue Form 10F060, "Electronic Funds Transfer Program: ACH Credit Guide", April 2006;
- (n)[(m)] Revenue Form 10F061, "Electronic Funds Transfer Program: Debit Guide", December 2008;
- (o)[(n)] Revenue Form 10F100, "Your Rights as a Kentucky Taxpayer", October 2010;
- (p)[(o)] Revenue Form 12A012, "Receipt of Seized Property", November 2006;
- (q)[(p)] Revenue Form 12A018, "Kentucky Department of Revenue Offer in Settlement Application", June 2011; [March 2009];
- (r)[(q)] Revenue Form 12A104, "Notice of Seizure", October 1982;
- (s)[(r)] Revenue Form 12A107, "Notice of Sale", January 2000;
- (t)[(s)] Revenue Form 12A109-1, "Release of Bank Levy", September 2004;
- (u)[(t)] Revenue Form 12A109-2, "Release of Levy", January 2000;
- (v)[(u)] Revenue Form 12A109-3, "Release of Levy", January 2008;
- (w)[(v)] Revenue Form 12A110, "Release of Levy on Wages, Salary, and Other Income", September 2004;
- (x)[(w)] Revenue Form 12A110-1, "Release of Levy on Wages, Salary, and Other Income", January 2008;
- (y)[(x)] Revenue Form 12A500, "Certificate of Partial Discharge of Tax Lien", June 2006;
- (z)[(y)] Revenue Form 12A501, "Certificate of Subordination of Kentucky Finance and Administration Tax Lien", June 2006;
- (aa)[(z)] Revenue Form 12A502, "Application for Certificate of Subordination of Kentucky Tax Lien", October 2006;
- (bb)[(aa)] Revenue Form 12A503, "Application for Specific Lien Release", October 2006;
- (cc)[(bb)] Revenue Form 12A504, "Personal Assessment of Corporate Officer or LLC Manager", June 2003;
- (dd)[(cc)] Revenue Form 12A505, "Waiver Extending Statutory Period of Assessment of Corporate Officer or LLC Manager", June 2003;
- (ee)[(dd)] Revenue Form 12A506, "Waiver Extending Statutory Period for Collection", June 2003;
- (ff)[(ee)] Revenue Form 12A507, "Table for Figuring the Amount Exempt from Levy on Wages, Salary, and Other Income", November 2006;
- (gg)[(ff)] Revenue Form 12A508-1, "Notice of Tax Due", January 2008;
- (hh)[(gg)] Revenue Form 12A508-2, "Notice of Tax Due", January 2008;
- (ii)[(hh)] Revenue Form 12A508-3, "Notice of Tax Due", November 2008;
- (jj)[(ii)] Revenue Form 12A508-4, "Notice of Tax Due", November 2008;
- (kk)[(jj)] Revenue Form 12A514, "Questionnaire for Persons

Relative to a Notice of Assessment", August, 1996;

- (ll)[(kk)] Revenue Form 12A517, "Notice of Lien", November 2011; [November 2008];
- (mm)[(ll)] Revenue Form 12A517-1, "Notice of Child Support Lien", November 2008;
- (nn)[(mm)] Revenue Form 12A518, "Certificate of Release of Lien", November 2008;
- (oo)[(nn)] Revenue Form 12A518-1, "Certificate of Release of Child Support Lien", January 2008;
- (pp)[(oo)] Revenue Form 12A638, "Statement of Financial Condition for Individuals", July 2004;
- (qq) Revenue Form 12A638(I), Instructions for Completing Statement of Financial Condition for Individuals", August 2004;
- (rr)[(qq)] Revenue Form 12A639, "Statement of Financial Condition for Businesses", August 2004;
- (ss)[(rr)] Revenue Form 12A639(I), "Instructions for Completing Statement of Financial Condition for Businesses", August 2004;
- (tt)[(ss)] Revenue Form 12B019, "Notice of Levy on Wages, Salary, and Other Income", September 2004;
- (uu)[(tt)] Revenue Form 12B019-1, "Notice of Levy on Wages, Salary, and Other Income", September 2011; [January 2008];
- (vv)[(uu)] Revenue Form 12B020, "Notice of Levy", September 2004;
- (ww)[(vv)] Revenue Form 12B020-2, "Notice of Levy", January 2008;
- (xx)[(ww)] Revenue Form 21A020, "Request for Copy of Tax Refund Check", October 2006;
- (yy)[(xx)] Revenue Form 30A005, "Temporary Vendor's Sales Tax Permit", September 1998;
- (zz)[(yy)] Revenue Form 30A006, "Temporary Vendor Sales and Use Tax Return/Processing Document", December 2006;
- (aaa)[(zz)] Revenue Form 30A872, "Record of Money Receipt Issued", October 2000[February 2008];
- (bbb)[(aaa)] Revenue Form 31A001, "Vendor Contact Authorization", July 2006;
- (ccc)[(bbb)] Revenue Form 31A004, "Auditor Record of Money Receipt Issued", July 2006;
- (ddd)[(ccc)] Revenue Form 31A011-ASH, "Taxpayer Data Questionnaire", March 2009;
- (eee)[(ddd)] Revenue Form 31A011-BG, "Taxpayer Data Questionnaire", March 2009;
- (fff)[(eee)] Revenue Form 31A011-CKY, "Taxpayer Data Questionnaire", March 2009;
- (ggg)[(fff)] Revenue Form 31A011-COR, "Taxpayer Data Questionnaire", March 2009;
- (hhh)[(ggg)] Revenue Form 31A011-HOP, "Taxpayer Data Questionnaire", March 2009;
- (iii)[(hhh)] Revenue Form 31A011-LOU, "Taxpayer Data Questionnaire", March 2009;
- (jjj)[(iii)] Revenue Form 31A011-NKY, "Taxpayer Data Questionnaire", March 2009;
- (kkk)[(jjj)] Revenue Form 31A011-OWEN, "Taxpayer Data Questionnaire", March 2009;
- (lll)[(kkk)] Revenue Form 31A011-PAD, "Taxpayer Data Questionnaire", March 2009;
- (mmm)[(lll)] Revenue Form 31A011-PIKE, "Taxpayer Data Questionnaire", March 2009;
- (nnn)[(mmm)] Revenue Form 31A012, "Interstate Sales/Income Tax Questionnaire", July 2006;
- (ooo)[(nnn)] Revenue Form 31A014, "SEATA - Southeastern Association of Tax Administrators Nexus Questionnaire", July 2006;
- (ppp)[(ooo)] Revenue Form 31A020, "Office of Field Operations Request for Copy of Tax Return(s)", July 2006;
- (qqq)[(ppp)] Revenue Form 31A050, "Electronic Transmittal Authorization", March 2011; [April 2008];
- (rrr)[(qqq)] Revenue Form 31A115, "Agreement Fixing Test Periods", April 2008;
- (sss)[(rrr)] Revenue Form 31A149, "Agreement Fixing Period of Limitation Upon Assessment of Sales, Use or Severance Tax", July 2006;

(ttt)(sss)(rrr) Revenue Form 31A150, "Agreement Fixing Period of Limitation Upon Assessment of Utility Gross Receipts License Tax", May 2008;

(uuu)(ttt)(sss) Revenue Form 31A685, "Authorization to Examine Bank Records", May 1985;

(vvv)(uuu)(ttt) Revenue Form 31A725, "Statute of Limitations Agreement", July 2006;

(www)(vvv)(uuu) Revenue Form 31F006, "Southeastern States Information Exchange Program", February 2005; and

(xxx)(www)(vvv) Revenue Form 31F010, "Kentucky's Computer Assisted Audit Program", May 2010.

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

THOMAS B. MILLER, Commissioner

APPROVED BY AGENCY: February 7, 2012

FILED WITH LRC: February 8, 2012 at 4 p.m.

CONTACT PERSON: DeVon Hankins, Policy Advisor, Office of General Counsel, Finance and Administration Cabinet, 392 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

**FINANCE AND ADMINISTRATION CABINET
Department of Revenue
Office of Property Valuation
(As Amended at ARRS, April 11, 2012)**

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, 134.015, 134.119, 134.020, 134.121, 134.122, 134.128, 134.129, 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, 136.1802-136.1806, 136.1873, 136.188, 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 2012[2014]", shall be the packet of files and instructions relating to Revenue Form 61A200 for use by public service companies reporting company name, location and other pertinent filing information with the Department of Revenue.

(2) Revenue Form 61A200, "Public Service Company Property Tax Return for Year Ending December 31, 2011[2010]", shall be filed by public service companies reporting company name, location, and other pertinent filing information with the Department of Revenue.

(3) 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.

(4) 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.

(5) 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.

(6) 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 twelve (12)[12] months ending December 31 for the system operating unit including Kentucky.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(14) 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.

(15) 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.

(16) Revenue Form 61A200(N1), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", shall be filed by public service companies with the Department of Revenue, reporting all leased real property and the terms of the lease by taxing district.

(17) Revenue Form 61A200(N2), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", shall be filed by public service companies with the Department of Revenue, reporting all leased personal property and the terms of the lease by taxing district.

(18) Revenue Form 61A200(N3), "Summary Report of System and Kentucky Operating Lease Payments", shall be filed by public service companies with the Department of Revenue reporting the annual operating lease payments paid during the calendar year.

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(19) 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.

(20) 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.

(21) 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.

(22) 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.

(23) Revenue Form 61A202, "2012[2014] 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.

(24) Revenue Form 61A206(P), "Public Service Company Property Tax Forms and Instructions for Commercial Air Passenger and Air Freight Carriers 2012[2014]", shall be the packet of files and instructions relating to Revenue Form 61A206 for use by commercial air passenger and air freight carriers reporting company name, location and other pertinent information with the Department of Revenue.

(25) Revenue Form 61A206, "Public Service Company Property Tax Return For Commercial Air Passenger and Air Freight Carriers", shall be filed by all commercial air passenger and air freight carriers reporting taxpayer name, location and other pertinent information with the Department of Revenue.

(26) Revenue Form 61A206(A), "Filing Extension Application for Public Service Company Property Tax Return", shall be used by commercial air passenger and air freight carriers to request an extension of time to file the commercial air passenger and air freight carriers tax return.

(27) Revenue Form 61A206(B), "Report of Kentucky Registered and Licensed Motor Vehicles", shall be filed by commercial air passenger and air freight carriers to report vehicles, both owned and leased, registered within the state of Kentucky as of December 31.

(28) Revenue Form 61A206(C), "Report of Financial Operations for Commercial Air Passenger and Air Freight Carriers", shall be used by all commercial, passenger, or cargo airlines conducting business in Kentucky to provide the Department of Revenue with ~~year-end~~[year-end] financial statements, a complete annual report, and a complete 10K report (FCC annual report) for the twelve (12) month period ending December 31.

(29) Revenue Form 61A206(D-1), "Report of System Aircraft Fleet", shall be filed by commercial air passenger and air freight carriers providing a complete listing of fleet aircraft owned and capital-leased as of December 31.

(30) Revenue Form 61A206(D-2), "Report of System Aircraft Fleet", shall be filed by commercial air passenger and air freight carriers providing a complete listing of operating leased fleet aircraft.

(31) Revenue Form 61A206(D-3), "Report of System Aircraft Fleet", shall be filed by all commercial air passenger and air freight carriers providing a complete listing of all fleet managed aircraft and aircraft held for resale or nonoperating.

(32) Revenue Form 61A206(E), "Report of Kentucky Flight Statistics By Airport", shall be filed by all commercial air passenger and air freight carriers providing a listing of all arrivals, departures, and ground time at all Kentucky airports and heliports.

(33) Revenue Form 61A206(F), "Report of System and Kentucky Allocation Factors", shall be filed by all commercial air passenger and air freight carriers listing property factors and business factors.

(34) Revenue Form 61A206(G), "Report of Funded Debt", shall be filed by all commercial air passenger and air freight carriers listing all debt obligations, both long term and short term, by class

and obligation.

(35) Revenue Form 61A206(H), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", shall be filed by all commercial air passenger and air freight carriers listing all real property in Kentucky leased on an operating lease basis.

(36) Revenue Form 61A206(I), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", shall be filed by all commercial air passenger and air freight carriers listing all personal property in Kentucky leased on an operating lease basis.

(37) Revenue Form 61A206(J), "Summary Report of System and Kentucky Operating Lease Payments", shall be filed by all commercial air passenger and air freight carriers listing all annual operating lease payments.

(38) Revenue Form 61A206(K), "Report of Owned Real Property Located in Kentucky By Taxing District", shall be filed by all commercial air passenger and air freight carriers listing all real property owned in Kentucky.

(39) Revenue Form 61A206(L), "Report of Owned Personal Property Located in Kentucky By Taxing District", shall be filed by all commercial air passenger and air freight carriers listing all personal property owned in Kentucky.

(40) Revenue Form 61A206(M), "Summary Report of Total System and Kentucky Operations", shall be filed by all commercial air passenger and air freight carriers listing all real and personal property owned and leased, providing the original cost, depreciation and depreciated cost values.

(41) Revenue Form 61A206(N), "Industrial Revenue Bond Property", shall be filed by all commercial air passenger and air freight carriers listing real and tangible property purchased with an industrial revenue bond.

(42) Revenue Form 61A206(O), "Public Service Company Sales", shall be filed by commercial air passenger and air freight carriers listing any assets bought or sold during the year.

(43) Revenue Form 61A207(P), "Commercial Watercraft Personal Property Tax Return 2012[2014]", shall be the packet of files and instructions relating to Revenue Form 61A207 for use by commercial watercraft owners both resident and nonresident, reporting the watercraft's book value, original cost and total and Kentucky route mileage with the Department of Revenue.

(44) Revenue Form 61A207, "2012[2014] Commercial Watercraft Personal Property Tax Return", shall be filed by all commercial watercraft owners, both resident and nonresident, reporting the watercraft's book value, original cost, and total and Kentucky route mileage with the Department of Revenue.

(45) 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, 2012 [2014].

(46) 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, or charterers as of January 1, 2012 [2014].

(47) 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, 2012 [2014].

(48) Revenue Form 61A207(D), "Commercial Watercraft 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.

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

(50) 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.

(51) 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.

(52) Revenue Form 61A211, "Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs",

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shall be filed by public service companies with the Department of Revenue reporting all motor vehicles owned or leased within Kentucky.

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

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

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

(56) Revenue Form 61A250, "Notice of Assessment", shall be sent by the Department of Revenue to the taxpayer notifying the taxpayer of his or her claim of assessed value on public service company property.

(57) 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.

(58) 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".

(59) Revenue Form 61A500(P), "2012[2014] Personal Property Tax Forms and Instructions for Communications Service Providers and Multichannel [Multi-channel] Video Programming Service Providers", shall be the packet of files and instructions relating to Revenue Form 61A500 for use by telecommunication, satellite, and cable television companies, reporting all tangible personal property with the Department of Revenue.

(60) Revenue Form 61A500, "2012[2014] Tangible Personal Property Tax Return for Communications [Communication] Service Providers and Multichannel Video Programming[Program] Service Providers", shall be filed by telecommunications, satellite, and cable television companies, reporting all tangible personal property with the Department of Revenue.

(61) 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.

(62) 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.

(63) 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.

(64) 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.

(65) 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.

(66) 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.

(67) 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.

(68) Revenue Form 61A508-S2, "Schedule 2 Department of Property Valuation Storage Cost Schedule", shall be filed by distill-

eries with the Department of Revenue, reporting average per barrel storage cost.

(69) 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.

(70) 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.

(71) 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.

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

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

(74) Revenue Form 61F008, "Notification Protesting Your Assessment", shall inform taxpayers of the protest procedures on Railroad Car Line assessments.

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

(76) Revenue Form 61F010, "Property Value Assessments for Public Service and Centrally Assessed Companies - Assessment of Distilled Spirits in Bonded Warehouses", shall inform taxpayers of the protest procedures on Distilled Spirits assessments.

(77) 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.

(78) 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.

(79) 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.

(80) 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.

(81) 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.

(82) 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 administering agency of the county in which the property is located, thirty (30) days prior to restoration or repair.

(83) Revenue Form 62A015, "2012[2014] 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.

(84) 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.

(85) 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.

(86) 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.

(87) Revenue Form 62A023, "Application for Exemption from Property Taxation", shall be filed by organizations seeking a property tax exemption under Ky. Const. Sec. 170. This form shall be

filed with the Department of Revenue.

(88) Revenue Form 62A030, "Request for Reproduction of PVA Public Records and Contract for Commercial Users", shall be submitted to request copies of documents required to be retained by the PVA.

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

(90) Revenue Form 62A200(P), "2012[2014] Unmined Coal Property Tax Information Return", shall be the packet of files and instructions relating to Revenue Form 62A200 for use by owners or lessees of unmined minerals, reporting filer information with the Department of Revenue.

(91) Revenue Form 62A200, "2012[2014] Unmined Coal Property Tax Information Return", shall be filed by owners or lessees of unmined minerals, reporting filer information with the Department of Revenue.

(92) 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.

(93) Revenue Form 62A200, "Schedule B Leased Property", shall be filed by all lessees and sublessees with the Department of Revenue, reporting ownership information for each parcel or royalty information for each leased parcel.

(94) Revenue Form 62A200, "Schedule C 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.

(95) Revenue Form 62A200, "Schedule D Lease Terminations, Transfers or Assignments", shall be filed by lessors or lessees of unmined minerals, with the Department of Revenue, reporting the parcel number, the date the lease was terminated and the seams assigned.

(96) Revenue Form 62A200, "Schedule E 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.

(97) Revenue Form 62A200, "Schedule F Geological Information by County", shall be filed by owners or lessees of unmined minerals, with the Department of Revenue, reporting exploration and analytical information.

(98) 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.

(99) 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".

(100) Revenue Form 62A305, "Property Valuation Administrator's Summary of Real Property Tax Roll Changes (Since Recapitulation)", 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".

(101) 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 or her representative shall be asked to sign the record and shall be given a copy of the record.

(102) 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.

(103) 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.

(104) 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.

(105) 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 or her of the assessment amount and of his or her appeal rights.

(106) 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 or her omitted property has been listed and assessed and of his or her appeal rights.

(107) 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 or her of its ruling.

(108) Revenue Form 62A358, "Receipt for Transferring Delinquent Property Tax Bills From the Sheriff to the County Clerk", shall be signed by both the sheriff and county clerk to affirm the number and total amount of delinquent tax bills transferred from the sheriff to the county clerk.

(109) Revenue Form 62A358-S, "Supplemental Receipt to Document Timely Postmarked Payments Received After the Delinquent Tax Bill Transfer Date", shall be signed by both the sheriff and the county clerk to affirm payments received by the sheriff via mail and postmarked timely after the transfer date.

(110) Revenue Form 62A359, "Sheriff's Report of Real Property Tax Bills Transferred to the County Clerk", shall be used by the sheriffs to report delinquent real estate tax bills that were transferred from the sheriff to the county clerk's office.

(111) 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.

(112) Revenue Form 62A362, "Sheriff's Report of Delinquent Personal Property Tax Bills Transferred to the County Clerk", shall be used by the sheriff to report delinquent personal property tax bills transferred from the sheriff to the county clerk's office.

(113) 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.

(114) 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.

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

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

(117) 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.

(118) 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.

(119) Revenue Form 62A366R, "Exoneration Form for Property Tax Refund", shall be filed by a taxpayer for refunds of property tax.

(120) 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.

(121) 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.

(122) 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.

(123) 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.

(124) 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 1996 and earlier tax years.

(125) 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.

(126) Revenue Form 62A370, "Kentucky Department of Revenue Certificate of Registration", shall be issued by the Department of Revenue to individuals, corporations or partnerships proving eligibility to purchase certificates of delinquency. This certificate shall be presented to the county clerk at the time certificates of delinquency are offered for sale.

(127) Revenue Form 62A370A, "Kentucky Department of Revenue Application for Certificate of Registration to Purchase Certificates of Delinquency", shall be submitted to the Department of Revenue by individuals, corporations or partnerships seeking to purchase certificates of delinquency offered for sale by the county clerk.

(128) 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.

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

(130) Revenue Form 62A373, "Certificate of Transfer for Property Tax Payment", shall be issued by the sheriff to a person who has paid property taxes on behalf of another and wishes to be treated as a transferee under KRS 134.121.

(131)[(130)] Revenue Form 62A374, "County Clerk Certificate of Delinquency Sale Registration", shall be used by the county clerk to register third parties interested in purchasing certificates of delinquency offered for sale by the county clerk.

(132)[(134)] Revenue Form 62A375, "Release of Certificate of Delinquency Assigned to a Third Party", shall be used by the county clerk to release the lien of a certificate of delinquency that has been refunded to a third party purchaser.

(133)[(132)] Revenue Form 62A378, "Report of Mobile Homes and Recreational Vehicles Not Registered in this State", shall be filed by every person providing rental space for mobile homes and recreational vehicles not registered in Kentucky. This form shall be filed with the property valuation administrator of the county in which the park is located.

(134)[(133)] 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 involuntarily omitted property.

(135)[(134)] Revenue Form 62A380, "Notification of Updated Mailing Address from Sheriff to Property Valuation Administrator", shall be used by the sheriff to provide an updated address to the property valuation administrator in accordance with KRS 134.119(8).

(136)[(135)] 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.

(137)[(136)] Revenue Form 62A384C(I), "Instructions to Complete Clay Property Tax Return for 2012 [2014] Tax Year", shall be used by owners and lessees of land containing mineable clay min-

erals to file Revenue Form 62A384C.

(138)[(137)] 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.

(139)[(138)] Revenue Form 62A384-G/O(I) "Gas/Oil," **shall be used as is** ~~is~~ ~~shall be~~ a letter informing ~~sent to~~ owners of natural gas and oil property ~~informing them~~ of ~~the~~ ~~their~~ responsibility to file, the filing deadline, and where to locate the forms.

(140)[(139)] Revenue Form 62A384L, "Limestone, 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.

(141)[(140)] 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.

(142)[(144)] 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.

(143)[(142)] 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 or she assumes office.

(144)[(143)] 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.

(145)[(144)] 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.

(146)[(145)] 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.

(147)[(146)] 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.

(148)[(147)] 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.

(149)[(148)] 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.

(150)[(149)] Revenue Form 62A500(P), "2012[2014] Personal Property Tax Forms and Instructions", shall be the packet of files and instructions relating to Revenue Form 62A500 for use by owners or lessees of tangible personal property 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.

(151)[(150)] Revenue Form 62A500, "2012[2014] Tangible Personal Property Tax Return", shall be filed by owners or lessees of tangible personal property 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.

(152)[(151)] Revenue Form 62A500-A, "2012[2014] 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.

(153)[(152)] Revenue Form 62A500-C, "Consignee Tangible Personal Property Tax Return", shall be filed by persons in pos-

session 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.

~~(154)~~~~(153)~~ 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.

~~(155)~~~~(154)~~ Revenue Form 62A500-M1, "Boat Dealer's Used Inventory Listing for Line 31 Tangible Personal Property Tax Return" shall be filed by boat dealers with the property valuation administrator of each county of taxable situs or with the Department of Revenue, containing a detailed listing of used boats held for sale by a licensed boat dealer.

~~(156)~~~~(155)~~ Revenue Form 62A500-S1, "Automobile 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.

~~(157)~~~~(156)~~ Revenue Form 62A500-W, "2012~~2014~~ 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.

~~(158)~~~~(157)~~ 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.

~~(159)~~~~(158)~~ 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.

~~(160)~~~~(159)~~ 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.

~~(161)~~~~(160)~~ 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.

~~(162)~~~~(161)~~ 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.

~~(163)~~~~(162)~~ 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.

~~(164)~~~~(163)~~ Revenue Form 62A863-A, "Schedule A, Summary of Net Deposits", shall be filed with the Department of Revenue, by financial institutions filing Revenue Form 62A863, to summarize deposits.

~~(165)~~~~(164)~~ Revenue Form 62A880, "Personal Property Assessment", shall be sent by the Department of Revenue to the owner of omitted personal property notifying him or her of the value assessed by the department as well as all applicable penalties and interest.

~~(166)~~~~(165)~~ Revenue Form 62B003, "Unmined Coal Notice of Tax Assessment", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the value of his or her interest in unmined coal property.

~~(167)~~~~(166)~~ Revenue Form 62B011, "Limestone, Sand, or Gravel Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the value of his or

her interest in limestone, sand or gravel property.

~~(168)~~~~(167)~~ Revenue Form 62B012, "Oil Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the value of his or her interest in oil property.

~~(169)~~~~(168)~~ Revenue Form 62B013, "Clay Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the value of his or her interest in clay property.

~~(170)~~~~(169)~~ Revenue Form 62B015, "Gas Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the value of his or her interest in gas property.

~~(171)~~~~(170)~~ 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.

~~(172)~~~~(171)~~ 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.

~~(173)~~~~(172)~~ 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 or her assessment on real property.

(174) Revenue Form 62F200, "Important Reminder" shall be a postcard mailed to previous filers of the Unmined Coal Property Tax Information Return as a reminder of the responsibility to file, the filing deadline, and where to locate the forms.

(175) Revenue Form 62F384-G, "Important Reminder" shall be a postcard mailed to previous filers of the Natural Gas Property Tax Return as a reminder of the responsibility to file, the filing deadline, and where to locate the forms.

(176) Revenue Form 62F500, "Important Reminder" shall be a postcard mailed to previous filers of the Tangible Personal Property Tax Return as a reminder of the responsibility to file, the filing deadline and where to locate the forms.

~~(177)~~~~(176)~~ 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 10A100, "Kentucky Tax Registration Application", shall be filed by taxpayers with a coal severance and processing tax account listing taxpayer information including mine name and mining permit number.

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

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

(4) Revenue Form 55A100, "Part IV - Schedule of Purchased Coal", shall be used by the taxpayer to report coal purchased for processing and resale. "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.

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

(6) 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.

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

(8) 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.

(9) 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.

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

(11) 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.

(12) 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.

(13) 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.

(14) 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.

(15) 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.

(16) 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.

(17) 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.

(18) 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 2012[2014]", August 2011 [2010];

2. Revenue Form 61A200, "Public Service Company Property Tax Return for Year Ending December 31, 2011[2010]", August 2011 [2010];

3. Revenue Form 61A200(A), "Report of Total Unit System and Kentucky Operations", August 2011 [2010];

4. Revenue Form 61A200(B), "Report of Kentucky Vehicles, Car Lines and Watercraft", August 2011 [2010];

5. Revenue Form 61A200(C), "Report of Total Unit Operations Balance Sheet", August 2011 [2010];

6. Revenue Form 61A200(D), "Report of Total Unit Operations Income Statement", August 2011 [2010];

7. Revenue Form 61A200(E), "Filing Extension Application", August 2011 [2010];

8. Revenue Form 61A200(G), "Report of Capital Stocks", August 2011 [2010];

9. Revenue Form 61A200(H), "Report of Funded Debt", August 2011 [2010];

10. Revenue Form 61A200(I), "Business Summary by Taxing Jurisdiction", August 2011 [2010];

11. Revenue Form 61A200(J), "Property Summary by Taxing

Jurisdiction, Operating and Nonoperating Property", August 2011 [2010];

12. Revenue Form 61A200(K), "Operating Property Listing by Taxing Jurisdiction", August 2011 [2010];

13. Revenue Form 61A200(K2), "Nonoperating/Nonutility Property Listing by Taxing Jurisdiction", August 2011 [2010];

14. Revenue Form 61A200(L), "Report of Allocation Factors, Operating and Noncarrier Property for All Interstate Companies", August 2011 [2010];

15. Revenue Form 61A200(M), "Report of Property and Business Factors for Interstate Railroad and Sleeping Car Companies", August 2011 [2010];

16. Revenue Form 61A200(N1), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", August 2011 [2010];

17. Revenue Form 61A200(N2), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", August 2011 [2010];

18. Revenue Form 61A200(N3), "Summary Report of System and Kentucky Operating Lease Payments", August 2011 [2010];

19. Revenue Form 61A200(O), "Railroad Private Car Mileage Report", August 2011 [2010];

20. Revenue Form 61A200(Q), "Supplemental Report of Operations for Contained and Residential Landfills", August 2011 [2010];

21. Revenue Form 61A200(R), "Report of Property Subject to the Pollution Control Tax Exemption", August 2011 [2010];

22. Revenue Form 61A200(U), "Industrial Revenue Bond Property", August 2011 [2010];

23. Revenue Form 61A202, "2012[2014] Public Service Company Property Tax Return for Railroad Car Line", August 2011 [2010];

24. Revenue Form 61A206(P), "Public Service Company Property Tax Forms and Instructions for Commercial Air Passenger and Air Freight Carriers 2012[2014]", August 2011 [2010];

25. Revenue Form 61A206, "Public Service Company Property Tax Return For Commercial Air Passenger and Air Freight Carriers", August 2011 [2010];

26. Revenue Form 61A206(A), "Filing Extension Application for Public Service Company Property Tax Return", August 2011 [2010];

27. Revenue Form 61A206(B), "Report of Kentucky Registered and Licensed Motor Vehicles", August 2011 [2010];

28. Revenue Form 61A206(C), "Report of Financial Operations for Commercial Air Passenger and Air Freight Carriers", August 2011 [2010];

29. Revenue Form 61A206(D-1), "Report of System Aircraft Fleet", August 2011 [2010];

30. Revenue Form 61A206(D-2), "Report of System Aircraft Fleet", August 2011 [2010];

31. Revenue Form 61A206(D-3), "Report of System Aircraft Fleet", August 2011 [2010];

32. Revenue Form 61A206(E), "Report of Kentucky Flight Statistics By Airport", August 2011 [2010];

33. Revenue Form 61A206(F), "Report of System and Kentucky Allocation Factors", August 2011 [2010];

34. Revenue Form 61A206(G), "Report of Funded Debt", August 2011 [2010];

35. Revenue Form 61A206(H), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", August 2011 [2010];

36. Revenue Form 61A206(I), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", August 2011 [2010];

37. Revenue Form 61A206(J), "Summary Report of System and Kentucky Operating Lease Payments", August 2011 [2010];

38. Revenue Form 61A206(K), "Report of Owned Real Property Located in Kentucky By Taxing District", August 2011 [2010];

39. Revenue Form 61A206(L), "Report of Owned Personal Property Located In Kentucky By Taxing District", August 2011 [2010];

40. Revenue Form 61A206(M), "Summary Report of Total System and Kentucky Operations", August 2011 [2010];

41. Revenue Form 61A206(N), "Industrial Revenue Bond

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Property", August 2011 [2040];

42. Revenue Form 61A206(O), "Public Service Company Sales", August 2011 [2040];

43. Revenue Form 61A207(P), "Commercial Watercraft Personal Property Tax Return 2012[2044]", November 2011 [2040];

44. Revenue Form 61A207, "2012[2044] Commercial Watercraft Personal Property Tax Return", November 2011 [2040];

45. Revenue Form 61A207(A), "Report of Owned Vessels in Your Possession", August 2011 [2040];

46. Revenue Form 61A207(B), "Report of Owned Vessels - in Possession of Others", August 2011 [2040];

47. Revenue Form 61A207(C), "Report of Nonowned Vessels in Your Possession", August 2011 [2040];

48. Revenue Form 61A207(D), "Commercial Watercraft Valuation Worksheet", November 2011 [2040];

49. Revenue Form 61A207(E), "Report of Kentucky Route Miles", November 2011 [2040];

50. Revenue Form 61A207(F), "Report of System Route Miles", November 2011 [2040];

51. Revenue Form 61A209, "Public Service Company Sales", August 2011 [2040];

52. Revenue Form 61A211, "Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs", August 2011 [2040];

53. Revenue Form 61A211(I), "Instructions Public Service Company Schedule of Owned and/or Leased Motor Vehicles [Vehicles] with Kentucky Situs", August 2011 [2040];

54. Revenue Form 61A230, "Notice of Assessment", February 2010;

55. Revenue Form 61A240, "Notice of Assessment", July 2011 [August, 2008];

56. Revenue Form 61A250, "Notice of Assessment", August 2008;

57. Revenue Form 61A255, "Public Service Company Property Tax Statement", January 2012[February, 2044];

58. Revenue Form 61A255(I), "Instructions for 61A255, Public Service Company Property Tax Statement", July 2008;

59. Revenue Form 61A500(P), "2012[2044] Personal Property Tax Forms and Instructions for Communications Service Providers and Multichannel [Multi-channel] Video Programming Service Providers", November 2011 [2040];

60. Revenue Form 61A500, "2012[2044] Tangible Personal Property Tax Return for Communications [Communication] Service Providers and Multichannel Video Programming [Program] Service Providers", November 2011 [2040];

61. Revenue Form 61A500(H), "Report of Total Personal Tangible Property in Kentucky", November 2011 [2040];

62. Revenue Form 61A500(I), "Summary of Gross Personal Tangible Property Listing by Taxing District", August 2011 [September, 2040];

63. Revenue Form 61A500(J), "Summary of Reported Personal Tangible Property Listing by Taxing District", August 2011 [September, 2040];

64. Revenue Form 61A500(K), "Personal Tangible Property Listing by Taxing District", November 2011 [2040];

65. Revenue Form 61A507, "Nonresident Watercraft Property Tax Statement", January 2006;

66. Revenue Form 61A508, "Annual Report of Distilled Spirits in Bonded Warehouse", August 2011 [2040];

67. Revenue Form 61A508-S1, "Schedule 1 Department of Property Valuation Cost of Production Schedule", August 2011 [2040];

68. Revenue Form 61A508-S2, "Schedule 2 Department of Property Valuation Storage Cost Schedule", August 2011 [2040];

69. Revenue Form 61A508-S3, "Schedule 3 Schedule of Bulk Sales", August 2011 [2040];

70. Revenue Form 61A508-S4, "Schedule 4", August 2011 [2040];

71. Revenue Form 61A508-S5, "Schedule 5", August 2011 [2040];

72. Revenue Form 61A509, "Distilled Spirits or Telecoms Property Tax Statement", January 2012 [May, 2040];

73. Revenue Form 61F007, "Notification Protesting Your Commercial Watercraft Assessment", July 2011 [February, 2040];

74. Revenue Form 61F008, "Notification Protesting Your Assessment", July 2011 [February, 2040];

75. Revenue Form 61F009, "Notification Protesting Your Assessment", July 2011 [February, 2040];

76. Revenue Form 61F010, "Property Value Assessments for Public Service and Centrally Assessed [Assess] Companies - Assessment of Distilled Spirits in Bonded Warehouses", March [February] 2010;

77. Revenue Form 62A007, "Motor Vehicle Tax and/or Registration Renewal Notice", 2006;

78. Revenue Form 62A007S, "Motor Vehicle/Boat Property Tax Notice - Second Notice", 2006;

79. Revenue Form 62A008, "Motor Vehicle Tax Notice", 2006;

80. Revenue Form 62A009, "Map Sales Invoice", July 2006;

81. Revenue Form 62A010, "Notice for Boat Transfer", 2009;

82. Revenue Form 62A013, "Application for Assessment Moratorium Certificate", December 2009;

83. Revenue Form 62A015, "2012[2044] Motor Vehicle and Watercraft Property Tax Rate Certification", 2011 [2040];

84. Revenue Form 62A016, "Quietus", 2009;

85. Revenue Form 62A017, "County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills", 2009;

86. Revenue Form 62A020, "Intercounty Property Tax Collections", 2009;

87. Revenue Form 62A023, "Application for Exemption from Property Taxation", December 2011 [April, 2040];

88. Revenue Form 62A030, "Request for Reproduction of PVA Public Records and Contract for Commercial Users", February 2008;

89. Revenue Form 62A044, "Affidavit for Correction/Exoneration of Motor Vehicle/Boat/Trailer Property Tax", February 2009;

90. Revenue Form 62A200(P), "2012[2044] Unmined Coal Property Tax Information Return", December 2011 [2040];

91. Revenue Form 62A200, "2012[2044] Unmined Coal Property Tax Information Return", December 2011 [2040];

92. Revenue Form 62A200, "Schedule A Fee Property Ownership", December 2011 [2040];

93. Revenue Form 62A200, "Schedule B Leased Property", December 2011 [2040];

94. Revenue Form 62A200, "Schedule C Property or Stock Transfers", December 2011 [2040];

95. Revenue Form 62A200, "Schedule D Lease Terminations, Transfers or Assignments", December 2011 [2040];

96. Revenue Form 62A200, "Schedule E Farm Exception to Unmined Minerals Tax", December 2011 [2040];

97. Revenue Form 62A200, "Schedule F Geological Information by County", December 2011 [2040];

98. Revenue Form 62A302, "Request for Information for Local Board of Tax Appeals", September 2005;

99. Revenue Form 62A304, "Property Valuation Administrator's Recapitulation of Real Property Tax Roll", December 2008;

100. Revenue Form 62A305, "Property Valuation Administrator's Summary of Real Property Tax Roll Changes (Since Recapitulation)", December 2008;

101. Revenue Form 62A307, "Property Owner Conference Record", September 2005;

102. Revenue Form 62A323, "Record of Additions and Deletions", December 2008;

103. Revenue Form 62A329, "Annual Report of Domestic Life Insurance Companies", August 2010;

104. Revenue Form 62A350, "Application for Exemption Under the Homestead/Disability Amendment", December 2011 [October, 2040];

105. Revenue Form 62A352, "Notice to Real Property Owner of Assessment by Property Valuation Administrator", April 2005;

106. Revenue Form 62A353, "Notice of Listing of Omitted Real Property", September 2005;

107. Revenue Form 62A354, "Notice to Property Owner of Final Decision of Board of Assessment Appeals", August 2006;

108. Revenue Form 62A358, "Receipt for Transferring Delinquent Property Tax Bills From the Sheriff to the County Clerk", December 2009;

109. Revenue Form 62A358-S, "Supplemental Receipt to Doc-

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ument Timely Postmarked Payments Received After the Delinquent Tax Bill Transfer Date", March 2010;

110. Revenue Form 62A359, "Sheriff's Report of Real Property Tax Bills Transferred to the County Clerk", December 2009;

111. Revenue Form 62A360, "Order Correcting Erroneous Assessment", 2011 [January, 2008];

112. Revenue Form 62A362, "Sheriff's Report of Delinquent Personal Property Tax Bills Transferred to the County Clerk", December 2009;

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

114. Revenue Form 62A363-B, "County Clerk's Claim for Preparing Omitted Tax Bills", December 2007;

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

116. Revenue Form 62A365, "Nonresidency Affidavit", January 2012 [December, 2007];

117. Revenue Form 62A366, "Order Correcting Erroneous Assessment", September 2011 [2005];

118. Revenue Form 62A366-D, "Order Correcting Erroneous Delinquent Assessment", September 2011 [December, 2007];

119. Revenue Form 62A366R, "Exoneration Form for Property Tax Refund", September 2011 [2005];

120. Revenue Form 62A367, "Authorization for Preparing Additional/Supplemental Property Tax Bills", December 2008;

121. Revenue Form 62A367-A, "Instructions for Preparation of Additional/Supplemental Tax Bills and Official Receipt", November 2011 [December, 2007];

122. Revenue Form 62A368-A, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;

123. Revenue Form 62A368-B, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;

124. Revenue Form 62A369, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;

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

126. Revenue Form 62A370, "Kentucky Department of Revenue Certificate of Registration", November 2009;

127. Revenue Form 62A370A, "Kentucky Department of Revenue Application for Certificate of Registration to Purchase Certificates of Delinquency", October 2011 [November, 2009];

128. Revenue Form 62A372, "Sheriff's List of Orders Correcting Erroneous Assessments", February 2006;

129. Revenue Form 62A372-A, "Certification", February 2006;

130. Revenue Form 62A373, "Certificate of Transfer for Property Tax Payment", January 2010;

131.[430.] Revenue Form 62A374, "County Clerk Certificate of Delinquency Sale Registration", November 2010;

132.[431.] Revenue Form 62A375, "Release of Certificate of Delinquency Assigned to a Third Party", February 2011 [April, 2010];

133.[432.] Revenue Form 62A378, "Report of Mobile Homes and Recreational Vehicles Not Registered in this State", August 2010;

134.[433.] Revenue Form 62A379, "Listing of Omitted Real Property", November 2011 [2010];

135.[434.] Revenue Form 62A380, "Notification of Updated Mailing Address from Sheriff to Property Valuation Administrator", September 2010;

136.[435.] Revenue Form 62A384C, "Clay Property Tax Return", January 2012 [2011];

137.[436.] Revenue Form 62A384C(I), "Instructions to Complete Clay Property Tax Return for 2012 [2011] Tax Year", January 2012 [2011];

138.[437.] Revenue Form 62A384-G, "Natural Gas Property Tax Return", January 2012 [2011];

139.[438.] Revenue Form 62A384-G/O(I), "Gas/Oil", [which is also referenced as "Gas/Oil"] January 2012 [2011];

140.[439.] Revenue Form 62A384L, "Limestone, Sand and Gravel Property Tax Return", January 2012 [2011];

141.[440.] Revenue Form 62A384-O, "Oil Property Tax Return Lease Report", January 2012 [2011];

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

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

144.[443.] Revenue Form 62A393, "Sheriff's Property Tax Account Statement", February 2006;

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

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

147.[446.] Revenue Form 62A394, "Sheriff's Monthly Report of Property Tax Collections", January 2010;

148.[447.] Revenue Form 62A394-MV, "County Clerk's Monthly Report of Motor Vehicle Property Tax Collections", August 2011 [June, 2008];

149.[448.] Revenue Form 62A398, "Property Valuation Administrator's Bond", September 2010;

150.[449.] Revenue Form 62A500(P), "2012[2011] Personal Property Tax Forms and Instructions", November 2011 [2010];

151.[450.] Revenue Form 62A500, "2012[2011] Tangible Personal Property Tax Return", November 2011 [2011];

152.[451.] Revenue Form 62A500-A, "2012[2011] Tangible Personal Property Tax Return (Aircraft Assessments Only)", November 2011 [2010];

153.[452.] Revenue Form 62A500-C, "Consignee Tangible Personal Property Tax Return", November 2011 [2010];

154.[453.] Revenue Form 62A500-L, "Lessee Tangible Personal Property Tax Return", November 2011 [2010];

155.[454.] Revenue Form 62A500-M1, "Boat Dealer's Used Inventory Listing for Line 31 Tangible Personal Property Tax Return", November 2011 [2010];

156.[455.] Revenue Form 62A500-S1, "Automobile Dealer's Inventory Listing for Line 34 Tangible Personal Property Tax Return", November 2011 [2010];

157.[456.] Revenue Form 62A500-W, "2012[2011] Tangible Personal Property Tax Return (Documented Watercraft)", November 2011 [2010];

158.[457.] Revenue Form 62A600, "Domestic Savings and Loan Tax Return", August 2011 [2010];

159.[458.] Revenue Form 62A601, "Foreign Savings and Loan Tax Return", August 2011; [2010]

160.[459.] Revenue Form 62A601-S2, "Schedule B, Computation of Exempt Securities", August 2011 [2010];

161.[460.] Revenue Form 62A850, "Bank Deposits Tax Return", August 2011 [2010];

162.[461.] Revenue Form 62A862, "Certification of Tax Rate for Bank Deposits Franchise Tax", August 2011 [2010];

163.[462.] Revenue Form 62A863, "Financial Institutions Local Deposits Summary Report", August 2011 [2010];

164.[463.] Revenue Form 62A863-A, "Schedule A, Summary of Net Deposits", August 2011 [2010];

165.[464.] Revenue Form 62A880, "Personal Property Assessment", October 2004;

166.[465.] Revenue Form 62B003, "Unmined Coal Notice of Tax Assessment", November 2008;

167.[466.] Revenue Form 62B011, "Limestone, Sand, or Gravel Assessment Notice", July 2006;

168.[467.] Revenue Form 62B012, "Oil Assessment Notice", July 2006;

169.[468.] Revenue Form 62B013, "Clay Assessment Notice", July 2006;

170.[469.] Revenue Form 62B015, "Gas Assessment Notice", July 2006;

171.[470.] Revenue Form 62F003, "Appeals Process for Real Property Assessments", May 2009;

172.[471.] Revenue Form 62F015, "PVA Open Records Commercial Fee Guidelines", November 2008;

173.[472.] Revenue Form 62F031, "Appeal to Local Board of Assessment Appeals", January, 2010;

174. Revenue Form 62F200, "Important Reminder", January 2012;

175. Revenue Form 62F384-G, "Important Reminder", January 2012;

176. Revenue Form 62F500, "Important Reminder", December 2011; and

177.[473.] Revenue Form 62F1341, "Exemptions Allowed for

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Savings and Loans, Savings Banks and Similar Institutions for Intangible Property Tax Purposes", August 2011 [2040]; and

(b) Severance taxes - referenced material:

1. Revenue Form 10A100, "Kentucky Tax Registration Application", October 2011 [July, 2040];

2. Revenue Form 55A004, "Coal Severance Tax Seller/Purchaser Certificate", October 2010;

3. Revenue Form 55A100, "Coal Severance Tax Return", October 2010;

4. Revenue Form 55A100, "Part IV - Schedule of Purchased Coal" and "Part V - Schedule for Thin Seam Coal Tax Credit", October 2010;

5. Revenue Form 55A101, "Coal Severance Tax Return Instructions", October 2010;

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

7. Revenue Form 55A209, "Severance Tax Refund Application", August 2009;

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

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

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

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

12. 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;

13. 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;

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

15. 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;

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

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

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

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THOMAS B. MILLER, Commissioner

APPROVED BY AGENCY: February 8, 2012

FILED WITH LRC: February 14, 2012 at 2 p.m.

CONTACT PERSON: DeVon Hankins, Policy Advisor, Office of General Counsel, Finance and Administration Cabinet, 392 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

**GENERAL GOVERNMENT CABINET
Kentucky State Board of Accountancy
(As Amended at ARRS, April 11, 2012)**

201 KAR 1:081. Initial f[F]irm license, renewal, and reinstatement.

RELATES TO: KRS 325.220, 325.301, 325.380.

STATUTORY AUTHORITY: KRS 325.240, 325.301.

NECESSITY, FUNCTION, AND CONFORMITY: [KRS 325.220 defines peer review.] KRS 325.301 establishes the standards for the initial issuance and renewal of a license for [licensure of] a certified public accounting firm. [KRS 325.380 establishes the standards for certified public accounting firm names and usage.] This administrative regulation establishes the procedures for firms to obtain and renew a license to practice as required by KRS 325.301.

Section 1. Definitions. (1)[A] "Certified public accountant owner" means a certified public accountant with a current and active license to practice issued by a state board of accountancy and who is operating a public accounting firm as a;

(a) Shareholder in a professional service corporation or corporation;

(b)[a] Partner in a partnership or registered limited liability partnership;[or]

(c)[a] Member of a limited liability company; or

(d) Sole proprietor, beginning August 1, 2012.

(2)[A "nonlicensed owner of the firm" means a person referred to in KRS 325.301(3)(b).

(3) "Firm" means the business entities defined in KRS 325.220(6).

(3)[(4)] "Firm manager" means a CPA as defined in KRS 325.220(7).

(4) "Nonlicensed owner of the firm" means a person referred to in KRS 325.301(3)(b).

Section 2.[In order] T[t]o obtain an initial license to practice, the[a] firm manager[except a firm operating as a sole proprietorship] shall submit:

(1) A completed "Initial Firm License[Registration]" form; and

(2) A check or money order made payable to the "Kentucky State Board of Accountancy" in the amount of \$100 [for the initial firm registration fee].

Section 3. Effective August 1, 2012, a sole proprietor[proprietors] shall obtain a public accounting firm license according to the procedures contained in Section 2 of this administrative regulation.

Section 4[3]. A certified public accountant shall:

(1) Have ultimate responsibility for all services provided by the firm;

(2) Have ultimate authority over any unit, division, or branch of the firm that performs attest services; and

(3) Comply with the "Statement on Quality Control Standards", June 2000, issued by the American Institute of Certified Public Accountants Auditing Standards Board, as incorporated by reference.

Section 5[4]. A nonlicensed owner of the firm shall not sell or otherwise transfer any ownership interest in the firm to any person who fails to satisfy the requirements of KRS 325.301(3).

Section 6[5]. Renewal of a Firm License. (1) Except as provided in subsection (2)[2] of this section, a firm manager shall renew a firm license by:

(a) Using the online "Firm License Renewal System" offered by the board at www.cpa.ky.gov; and

(b) Paying a renewal fee in the amount of \$100.[(1) A certified public accountant seeking to engage in a regulated activity as a sole proprietor shall register the firm by writing a letter to the board stating the firm office address, phone number, and indicating whether he is engaging in a regulated activity on a full-time or part-time basis; or]

(2) If a firm manager is unable to use the online procedure, he or she shall:

(a) Submit a written request to obtain a paper copy of the Firm License Renewal form to the Kentucky State Board of Accountancy, 332 W. Broadway, Suite 310, Louisville, Kentucky 40202;

(b) Complete and submit the form to the board; and

(c) Submit a check or money order made payable to the Kentucky State Board of Accountancy in the amount of \$100.

(3) Effective August 1, 2012, a sole proprietor[sole proprietors] shall renew his or her[their] firm license according to the procedures contained in this section [6 of this administrative regulation]. [If he is establishing the firm within thirty (30) days of his individual permit renewal date, he may submit this information when he renews his individual permit to practice.

(3) A fee shall not be assessed for this registration.

Section 6. In May of the firm's renewal year, the board shall

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send the firm a computer generated notice containing current firm registration information. The firm CPA manager shall renew the firm license to practice by submitting:

(1) The notice with corrections, deletions, or additions as appropriate; and

(2) A check made payable to the "Kentucky State Board of Accountancy" in the amount of \$100 for the firm license.

(3) A sole proprietor shall renew his license by providing the information required in Section 3(1) of this administrative regulation when he renews his individual license. A fee shall not be charged for this firm license renewal.]

(4) Failure to receive a notice to renew shall not constitute an adequate excuse for failing to renew the firm license.

Section 7. (1) A firm manager who fails to renew the firm license by the August 1 deadline shall renew the license on or before September 1 by:

(a) Utilizing the online "Firm License Renewal System" offered by the board at www.cpa.ky.gov;

(b) Paying the \$100[one hundred dollar (\$100)] renewal fee; and

(c) Paying a \$100[one hundred (\$100) dollar] late fee.

(2) A firm manager shall correct any outdated or inaccurate[if any of the] information listed on the "Firm License Renewal System" except for a change in the name of the firm.[firm registration form submitted by the firm's certified public accountant manager changes, he shall indicate the changes on the "Firm Registration Changes" form].

Section 8. [(4)] A firm license that expired on July 1, 2011 shall be renewed by the firm manager[.] utilizing the process described in Section 6 of this administrative regulation.

Section 9. A firm is prohibited from operating and holding out as a CPA firm if the firm license is expired for a period of more than one (1) month.

Section 10. Changes in firm information. A firm manager shall notify the board within thirty (30) [thirty] days of any changes to the licensing information on file with the board by submitting a "Firm Changes" form.

Section 11. [(8)](1) Upon the death or retirement of a firm member which is composed of only two (2) certified public accountant owners, the board shall authorize the continuation of the use of the firm name by the surviving certified public accountant owner for a period of time not to exceed two (2) years from the date of the certified public accountant owner's death or retirement.

(2) The remaining certified public accountant owner shall advise the board in writing of this change within thirty (30) days of its occurrence.

Section 12. [9]. The firm name registered with the board shall be the firm name used in all circumstances.

Section 13. [(40)](1) The following material is incorporated by reference:

(a) "Instate Initial Firm License Application", [Registration] [(2012)][(2000)]["];

(b) "Firm Change[Registration-Changes] Form" [(2012)][(2000)]["]; and

(c) "Firm Online License Renewal Process", [(2012)]["];

(d) "Firm License Renewal", [(2012)]["]; and

(e)[(e)] "Statement on Quality Control Standards", January [(2000)]["].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Accountancy, 332 W. Broadway, Suite 310, Louisville, Kentucky 40202, Monday through Friday, between 8 a.m. and 4:30 p.m.

JOSEPH HANCOCK, CPA, President

APPROVED BY AGENCY: January 11, 2012

FILED WITH LRC: January 13, 2012 at 8 a.m.

CONTACT PERSON: Richard C. Carroll, Executive Director,

Kentucky State Board of Accountancy, 332 W. Broadway, Suite 310, Louisville, Kentucky 40202, phone (502) 595-3037, fax (502) 595-4281.

**GENERAL GOVERNMENT CABINET
Kentucky Real Estate Commission
(As Amended at ARRS, April 11, 2012)**

201 KAR 11:225. License renewal[.] annual requirements and change request procedures.

RELATES TO: KRS 324.090, 324.287(6), 324.330[(4), 324.330(4)]

STATUTORY AUTHORITY: KRS 324.090(1), 324.281(5), 324.282, 324.287(6), 324.330(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324.282 authorizes the Kentucky Real Estate Commission to promulgate administrative regulations necessary to effectively carry out and enforce the provisions of KRS Chapter 324. This administrative regulation establishes an annual renewal deadline date and procedures for a licensee to provide his or her contact information to the commission and to report to the commission any changes to the[their] reported information.

Section 1. A renewed license shall be valid from April 1 to March 31, annually, and shall be canceled by the commission if not renewed by March 31 of each year.

Section 2. Licensee Name Changes. A licensee shall notify the commission of his or her legal name change by promptly completing, signing, and filing with the commission the "Licensee Name Change" form. This form shall be accompanied by the change request fee required by KRS 324.287(6). The fee shall be ten (10) dollars[ten dollar (\$10.00) fee established in KRS 324.287(6)].

Section 3. Licensee Residence Changes, E-mail Addresses, and Telephone Numbers. (1) A licensee shall notify the commission of a change of his or her residence address by completing, signing, and filing with the commission the "Change of Residential/E-mail Address" form, within ten (10) days from the date of the change.

(2) During the commission's annual online renewal process, a licensee shall provide his or her direct telephone number and electronic mail address, if applicable. A licensee shall promptly report any changes to this information by completing, signing, and filing with the commission the "Change of Residential/E-mail Address" form.

(3) The "Change of Residential/E-mail Address" form shall be accompanied by a completed and signed "Consent to Service of Jurisdiction," if applicable.

Section 4. Change of principal business location, firm name, or branch name. A principal broker shall notify the commission of any change of his or her principal business location, firm name, or branch office name by promptly completing, signing, and filing with the commission the "Request to Change Firm Name – Firm Address – Branch Address" form. This form shall be accompanied by the change request fee required by KRS 324.287(6). The fee shall be ten (10) dollars[ten dollar (\$10.00) fee established in KRS 324.287(6)].

Section 5. [6-] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Licensee Name Change", August 2011;

(b) "Change of Residential/E-Mail Address", August 2011;

(c) "Consent to Service of Jurisdiction", April 2011; and

(d) "Request to Change Firm Name – Firm Address – Branch Address", August, 2011.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, Monday through Friday, 8 a.m. to 4:30 p.m. This material is

also available from the commission's Web site: www.krec.ky.gov.

BOB ROBERTS, Chairperson

APPROVED BY AGENCY: February 8, 2012

FILED WITH LRC: February 14, 2012 at 1 pm

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

**GENERAL GOVERNMENT CABINET
Kentucky Board of Speech-Language
Pathology and Audiology
(As Amended at ARRS, April 11, 2012)**

201 KAR 17:011. Requirements for interim licensure as a speech language pathologist.

RELATES TO: KRS 334A.035, 334A.050

STATUTORY AUTHORITY: KRS 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080 requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.035 and 334A.050 require the board to promulgate administrative regulations concerning licensure as a speech-language pathologist, including a requirement that an applicant meet specified education and experience criteria as determined by the board. This administrative regulation establishes criteria for interim licensure for speech-language pathologists.

Section 1. Education and Experience. (1) In addition to the citizenship requirements of KRS 334A.050, each applicant for interim licensure in speech-language pathology in Kentucky shall provide a certified transcript confirming attainment of a master's degree in the area of speech-language pathology or communication disorders from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association, or posses equivalent education.

(2) An applicant shall have "equivalent" education if the applicant holds:

(a) A doctoral degree in speech-language pathology or communication disorders or a related area from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association; or

(b) A bachelor's degree from a regionally accredited college or university, and has completed all coursework and clinical practicum requirements leading to a doctorate or master's degree from a university program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association. A signed letter from the department chair or a director of graduate studies confirming all coursework and clinical hours have been met shall be provided if an official transcript is not yet available.

(3) The applicant shall submit to the board a written description verifying completion of the required academic coursework and supervised clinical experience on the Application for Interim Licensure, with official transcript or letter from the university verifying satisfactory completion of degree requirements. Credit shall not be allowed for courses listed on the application unless satisfactory completion is verified by an official transcript. The applicant receiving academic credit (semester hours, quarter hours, or other unit of credit) with a passing grade as defined by the training institution shall constitute satisfactory completion.

(4) Application for approval of academic coursework and supervised clinical experience shall be made as soon as possible after completion of these experiences, and shall be due within thirty (30) days after the professional postgraduate experience is begun.

(5) A written plan for the postgraduate professional experience shall be submitted with the application for interim licensure within thirty (30) days after initiating the postgraduate professional experience. The applicant shall proceed to obtain postgraduate profes-

sional experience under a supervisor who is a speech-language pathologist who holds a valid Kentucky speech language pathology license or Education Professional Standards Board Master's level certification as a teacher of exceptional children in the areas of speech and communication disorders. An applicant for interim licensure shall submit a completed Application for Interim Licensure to the board.

(6) Postgraduate professional experience.

(a) After completion of academic coursework and clinical practicum, the applicant shall successfully complete a period of postgraduate professional experience.

(b) The experience shall consist of at least thirty-six (36) weeks of full-time professional experience to consist of a minimum of thirty-five (35) work hours per week or its part-time equivalent as follows:

1. At least eighty (80) percent of the major responsibilities during postgraduate professional experience shall be in direct contact with clients or patients, consultations, recordkeeping, and administrative duties.

2. The postgraduate professional experience shall not total less than 1,260 hours accumulated within twenty-four (24) months of the beginning date of the experience.

3. Professional experience of less than five hours per week shall not meet the requirement and shall not be counted toward the postgraduate professional experience.

4. Experience of more than thirty-five (35) hours per week shall not be used to reduce the postgraduate professional experience to less than thirty-six (36) weeks.

5. Once initiated, the postgraduate professional experience shall be completed within twenty-four (24) months.

6. Extension of the postgraduate professional experience may be granted in the event of:

- a. Illness;
- b. Change in employment status;
- c. Family care issue; or
- d. Other extraordinary occurrence impacting one's ability to complete the postgraduate experience.

(c) The experience shall be completed under the supervision of an individual who holds a valid Kentucky speech-language pathology license or Education Professional Standards Board Masters level certification as a teacher of exceptional children in the areas of speech and communication disorders.

1. The postgraduate professional experience supervisor shall not engage in fewer than thirty-six (36) supervisory activities during the postgraduate professional experience.

2. This supervision shall include eighteen (18) on-site observations of direct client contact at the interim licensee's work site.

a. One (1) hour shall equal one (1) on-site observation.

b. A maximum of six (6) on-site observations may be accrued in one (1) day.

c. At least six (6) on-site observations shall be accrued during each third of the experience.

d. These on-site observations shall be of the interim licensee providing screening, evaluation, assessment, habilitation, and rehabilitation.

3. The supervision shall include eighteen (18) other monitoring activities.

a. At least six (6) other monitoring activities shall be completed during each of the three (3) segments of the postgraduate professional experience.

b. These other monitoring activities may be executed by correspondence, review of video tapes or audio tapes, evaluation of written reports, phone conferences with the interim licensee, or evaluations by professional colleagues.

4. The supervisor periodically shall conduct a formal evaluation of the applicant's progress in the development of professional skills.

5. A person with an interim license shall take and pass a national PRAXIS examination in speech-language pathology. Official documentation of scores shall be sent to the board directly from Educational Testing Services. A person with an interim license shall continue to practice under supervision if a successful score is not achieved. If the applicant is unable to obtain a passing score within twenty (24) months, they shall seek board approval to

continue to practice. The applicant shall:

a.[(a)] Submit a written, signed letter to the board requesting board approval; and

b.[(b)] Appear before the board.

Section 2. Incorporation by Reference. (1) "Application for Interim Licensure", January[February] 2012 [September 2009], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

ANNE OLSON, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at noon

CONTACT PERSON: Marcia Egbert, Board Administrator, Kentucky Board of Speech Language Pathology and Audiology, PO Box 1370, Frankfort, Kentucky 40602.

**GENERAL GOVERNMENT CABINET
Kentucky Board of Speech-Language
Pathology and Audiology
(As Amended at ARRS, April 11, 2012)**

201 KAR 17:012. Requirements for licensure.

RELATES TO: KRS 334A.033, 334.035(1)(c), 334A.050, 334A.187

STATUTORY AUTHORITY: KRS 334A.033, 334A.050, 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.033 and 334A.050 require the board to promulgate administrative regulations concerning licensure as a speech-language pathologist, including a requirement that an applicant meet specified education and experience criteria as determined by the board. This administrative regulation establishes criteria for licensure for speech-language pathologists.

Section 1. Education and Experience. In addition to the citizenship requirements of KRS 334A.050, each applicant for licensure in speech-language pathology in Kentucky shall meet the requirements established in this section:

(1)(a) An applicant shall provide a certified transcript confirming attainment of a master's degree in the area of speech-language pathology or communication disorders from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association, or possess equivalent education.

(b) An applicant shall have "equivalent" education if the applicant holds a doctoral degree in speech-language pathology, communication disorders or a related area from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association.

(2) The applicant shall have passed a national PRAXIS examination in speech-language pathology.

(3) In accordance with KRS 334A.035(1)(c), within thirty (30) days after completion of the postgraduate professional experience, the applicant shall submit a complete application for licensure under this section. The applicant's supervisor shall verify the successful completion of postgraduate professional experience by signing the Application for Licensure.

(4) In addition to fulfilling the requirements of this administrative regulation and paying the requisite fees established in 201 KAR 17:030(1), an applicant licensed in another state shall comply with the provisions of KRS 334A.187.

Section 2. Incorporation by Reference. (1) "Application for License", January[February] 2012[September 2009], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

ANNE OLSON, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at noon

CONTACT PERSON: Marcia Egbert, Board Administrator, Kentucky Board of Speech Language Pathology and Audiology, PO Box 1370, Frankfort, Kentucky 40602.

**GENERAL GOVERNMENT CABINET
Kentucky Board of Speech-Language
Pathology and Audiology
(As Amended at ARRS, April 11, 2012)**

201 KAR 17:032. Requirements for interim licensure as an audiologist.

RELATES TO: KRS 334A.185(2)

STATUTORY AUTHORITY: KRS 334A.080(3), 334A.185(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. This administrative regulation establishes requirements for interim licensure as an audiologist.

Section 1. Education and Experience. (1)[(a)] Each applicant for interim licensure in audiology in Kentucky shall provide a certified transcript confirming attainment of a Doctorate degree in audiology or a related field, or possess equivalent education as described in subsection (2) of this section[paragraph (b) of this subsection], excluding the Au.D. or substantive equivalent from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology.

(2)[(b)] An applicant shall have equivalent education if the applicant holds:

4-] a doctoral degree in audiology, excluding the Au.D., from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology.

(3)[-and

2-] The applicant shall submit to the board a written description verifying completion of the required academic coursework and supervised clinical experience on the Application for Interim Licensure, with required supporting documentation. Credit shall not be allowed for courses listed on the application unless satisfactory completion is verified by an official transcript. Satisfactory completion shall exist if the applicant has received academic credit (semester hours, quarter hours, or other unit of credit) with a passing grade as defined by the training institution. A signed letter from the department chair or a director of graduate studies confirming all coursework and clinical hours have been met shall be provided if an official transcript is not yet available.

(4)[3-] Application for approval of academic coursework and supervised clinical experience shall be made as soon as possible after completion of these experiences, and either before or within thirty (30) days after the postgraduate professional experience is begun.

(5)[4-] A written plan for postgraduate professional experience shall be submitted with the application for interim licensure within thirty (30) days after initiating the postgraduate professional experience. The applicant shall proceed to obtain postgraduate professional experience under a supervisor who is a licensed audiologist. An applicant for interim licensure shall submit a completed Application for Interim Licensure to the board.

(6)[(2)] Postgraduate professional experience.

(a) After completion of academic coursework and clinical practicum, the applicant shall successfully complete a period of postgraduate professional experience.

(b) The experience shall consist of at least thirty-six (36) weeks of full-time professional experience to consist of a minimum of thirty-five (35) work hours a week or its part-time equivalent as follows:

1.[(e)] At least eighty (80) percent of the major responsibilities during the postgraduate professional experience shall be in direct client contact consultations, recordkeeping, and administrative duties;[-]

2.[(d)] Postgraduate professional experience shall not total less than 1,260 hours;[-]

3.[(e)] Once initiated, postgraduate professional experience shall be accumulated within twenty-four (24) months. This may be extended in the event of:

a.[-] Illness;

b.[-] Change in employment status;

c.[-] Family care issue; or

d.[-] Other extraordinary occurrence impacting one's ability to complete the postgraduate professional experience;[-]

4.[(f)] Professional experience of less than five hours per week shall not meet the requirement and shall not be counted toward postgraduate professional experience;[-]

5.[(g)] Experience of more than thirty-five (35) hours per week shall not be used to shorten the postgraduate professional experience to less than thirty-six (36) weeks; **and**

6.[-]

(h)] Extension of the postgraduate professional experience may be granted in the event of:

a.[-] Illness;

b.[-] Change in employment status;

c.[-] Family care issue; or

d.[-] Other extraordinary occurrence impacting one's ability to complete the postgraduate professional experience.

(3) Supervision shall be completed under the supervision of an individual who holds a valid license in audiology issued by Kentucky or a state that borders Kentucky.

(a) The postgraduate professional experience supervisor shall not engage in fewer than thirty-six (36) supervisory activities during the postgraduate professional experience.

(b) This supervision shall include eighteen (18) on-site observations of direct client contact at the interim licensee's work site.

1. One (1) hour shall equal one (1) on-site supervision.

2. A maximum of six (6) on-site observations may be accrued in one (1) day.

3. At least six (6) on-site observations shall be accrued during each third of the experience.

4. These on-site observations shall be of the interim licensee providing screening, evaluation, assessment, habilitation, or rehabilitation.

(c) The supervision shall include eighteen (18) other monitoring activities.

1. At least six (6) other monitoring activities shall be completed during each of the three (3) segments of the postgraduate professional experience.

2. These other monitoring activities may be executed by correspondence, review of videotapes or audiotapes, evaluation of written reports, phone conferences with the interim licensee, or evaluations by professional colleagues.

(d) The supervisor periodically shall conduct a formal evaluation of the applicant's progress in the development of professional skills.

(4) A person with an interim license shall take and pass a national PRAXIS examination in audiology. Official documentation of scores shall be sent to the board directly from Educational Testing Services. A person with an interim license shall continue to practice under supervision if a successful score is not achieved. If the applicant is unable to obtain a passing score within twenty-four (24) months, the applicant shall seek board approval to continue to practice.

Section 2. Incorporation by Reference. (1) "Application for Interim Licensure", **January**[February] 2012[September 2009], is

incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

ANNE OLSON, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at noon

CONTACT PERSON: Marcia Egbert, Board Administrator, Kentucky Board of Speech Language Pathology and Audiology, PO Box 1370, Frankfort, Kentucky 40602.

GENERAL GOVERNMENT CABINET
Kentucky Board of Speech-Language
Pathology and Audiology
(As Amended at ARRS, April 11, 2012)

201 KAR 17:034. Requirements for licensure as a Speech-Language Pathology Assistant.

RELATES TO: KRS 334A.030, 334A.033

STATUTORY AUTHORITY: KRS 334A.033, 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS **334A.033**[334A.033(4)(b)] requires the board to promulgate administrative regulations to set forth requirements for supervision, education and postgraduate professional experience for speech-language pathology assistants. This administrative regulation establishes criteria for licensure for speech-language pathology assistants.

Section 1. Education and Experience. Each applicant for licensure as a speech-language pathology assistant in Kentucky shall meet the requirements established by this section. (1) In order to receive a license to become a speech-language pathology assistant, the applicant shall possess a bachelor's degree in speech-language pathology or communication disorders, or possess equivalent education, as described in subsection (2) of this section, from a regionally accredited institution, such as the Southern Association of Colleges and Schools.

(2) An applicant shall have equivalent education if the applicant has obtained a bachelor's degree and a minimum of twenty-seven (27) hours in the core areas of communication sciences or disorders including the following:

(a) Anatomy and physiology;

(b) Phonetics and speech science;

(c) Speech and language development;

(d) Communication disorders in children;

(e) Audiology;

(f) Aural rehabilitation; and

(g) Intervention for children with communication disorders.

Section 2. Supervision. (1) The licensee shall function under the supervision of an appropriate supervisor during the period of licensure.

(2) The supervisor shall design and provide a supervision system that protects pupil welfare and maintains the highest possible standards of quality speech-language pathology services.

(3) The supervisor may require additional supervision based on the experience of the speech-language pathology assistant, the pupils served, and the physical or geographic proximity to the supervisor.

(4) As the supervisory responsibility of the supervisor increases, the direct service responsibilities of the supervisor shall decrease.

(5) Treatment for the pupils served shall remain the responsibility of the supervisor. The level of supervision required shall be the minimum level necessary for the supervisor to retain direct contact with the pupils.

(6) Each speech-language pathology assistant shall be required to receive direct supervision as stated in KRS 334A.033. Supervision shall be adjusted proportionally for less than full-time employment. The supervisor shall have direct contact time with the speech-language pathology assistant as well as with the pupil.

(7)(a) Direct supervision shall consist of on-site, in-view observation and guidance as a clinical activity is performed.

(b)(a) A speech-language pathology assistant shall be supervised by either:

1. A speech-language pathologist who holds a Kentucky license; or

2. A speech-language pathologist who holds Education Professional Standards Board Master's level certification as a teacher of exceptional children in the areas of speech and communication disorders.

(8) The supervisor shall provide information about the quality of the speech-language pathology assistant's performance with assigned tasks and verify that clinical activity is limited to tasks specified in the speech-language pathology assistant's scope of responsibilities.

(9) Information obtained during direct supervision may include data relative to:

(a) Accuracy in implementation of screening, diagnostic, and treatment procedures;

(b) Agreement between the assistant and the supervisor on correct or incorrect judgment of target behavior;

(c) Accuracy in recording data; and

(d) Ability to interact effectively with the pupil.

(10) Indirect supervision shall be required as stated in KRS 334A.033. Supervision shall be adjusted proportionally for less than full-time employment. Indirect supervision may include:

(a) Demonstration;

(b) Record review;

(c) Review and evaluation of audio or videotaped sessions; or

(d) Supervisory conferences that may be conducted by telephone.

(11) The minimum total of direct and indirect supervision as stated in KRS 334A.033 shall be required for each speech-language pathology assistant and shall be documented. Additional direct and indirect supervision may be necessary depending on the experience of the assistant and the needs of the pupil.

(12) A speech-language pathology assistant shall not provide direct services if a supervising speech-language pathologist cannot be reached by personal contact, phone, pager, or some other immediate means.

(13) If, for any reason (including maternity leave, illness, or a change of jobs), the supervisor is no longer available to provide the level of supervision stipulated, the speech-language pathology assistant shall not provide service until a fully qualified speech-language pathologist has been designated as the speech-language pathology assistant's supervisor.

(14) Although more than one (1) supervisor may provide supervision of a speech-language pathology assistant, a supervisor shall not be listed as the supervisor of record for more than two (2) speech-language pathology assistants. If multiple supervisors are used, each supervisor shall be responsible for that portion of the caseload that is theirs and each shall sign the license application and postgraduate professional experience report.

Section 3. Within thirty (30) days after completion of postgraduate professional experience, the applicant shall submit a complete application for licensure under this section. The applicant's supervisor shall verify the successful completion of postgraduate professional experience by signing the Application for License.

Section 4. Incorporation by Reference. (1) "Application for Licensure", **December 2011**~~February 2012~~~~(September 2009)~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

ANNE OLSON, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at noon

CONTACT PERSON: Marcia Egbert, Board Administrator,
Kentucky Board of Speech Language Pathology and Audiology,
PO Box 1370, Frankfort, Kentucky 40602.

**GENERAL GOVERNMENT CABINET
Kentucky Board of Speech-Language
Pathology and Audiology
(As Amended at ARRS, April 11, 2012)**

201 KAR 17:036. Requirements for licensure for an audiologist.

RELATES TO: KRS 334A.030, 334A.050, 334A.185, 334A.187
STATUTORY AUTHORITY: KRS 334A.050, 334A.080(3), 334A.185.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.050 and 334A.185 require the board to promulgate administrative regulations delineating education and experience criteria for licensure for audiologists. This administrative regulation establishes requirements for licensure for an audiologist.

Section 1. Education and Experience. Each applicant for licensure as an audiologist in Kentucky shall meet the requirements established by this section. (1)(a) An applicant shall provide a certified transcript confirming attainment of a doctorate degree in the area of audiology or substantive equivalent as described in paragraph (b) of this subsection, from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology.

(b) An applicant shall have equivalent education if the applicant holds:

1. A doctoral degree in audiology from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association; or

2. A master's degree from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association conferred before January 1, 2007.

(2) The applicant shall have passed a national PRAXIS examination in audiology. Official documentation of scores shall be sent to the board directly from Educational Testing Services.

(3) Within thirty (30) days of obtaining employment, the applicant shall apply for full licensure.

(4) In addition to fulfilling the requirements of this administrative regulation and paying the fees specified in 201 KAR 17:030, an applicant licensed in another state or states shall submit a letter or letters of good standing from the other state or states where the applicant is licensed.

Section 2. Incorporation by Reference. (1) "Application for Licensure", **January**~~February~~~~2012~~~~(September 2009)~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

ANNE OLSON, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at noon

CONTACT PERSON: Marcia Egbert, Board Administrator,
Kentucky Board of Speech Language Pathology and Audiology,
PO Box 1370, Frankfort, Kentucky 40602.

GENERAL GOVERNMENT
Kentucky State Board of Licensure for Professional Engineers
and Land Surveyors
(As Amended at ARRS, April 11, 2012)

201 KAR 18:040. Fees.

RELATES TO: KRS 322.060, 322.090, 322.100, 322.110, 322.120, 322.160, 322.170

STATUTORY AUTHORITY: KRS 322.090, 322.100, 322.110, 322.120, 322.290(4), 322.290(10)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.100 ~~requires the board to establish fees for licensure~~ ~~gives the board the authority to set license fees~~. This administrative regulation establishes fees for examination, licensure, reinstatement, reissuance, and renewal.

Section 1. Examination Fees. (1) The fees for taking the Principles and Practice of Engineering Examination, the Principles and Practice of Land Surveying Examination, the Fundamentals of Engineering Examination, ~~and the Fundamentals of Land Surveying Examination, and the Structural II Examination~~ shall be the actual amounts charged by the National Council of Examiners for Engineering and Surveying.

(2) The board shall reimburse examination fees for successfully completing:

(a) ~~An~~ Any examination listed in subsection (1) of this section for active members or veterans of the Armed Forces of the United States. Application for reimbursement shall be made in writing to the board and shall include proof of passing the examination and of service in the Armed Forces of the United States.

(b) The Fundamentals of Engineering Examination or the Fundamentals of Surveying Examination for a student ~~students~~ currently enrolled in a Kentucky university or college on the date the examination was taken. Application for reimbursement shall be made in writing to the board and shall include proof of passing the examination and of enrollment in a Kentucky university or college on the date the examination was taken.

Section 2. Endorsement, Renewal, Reinstatement, and Reissuance. (1) Renewal of an individual license shall be \$150 or shall be ~~is \$150 and is~~ twenty (20) dollars for retired or inactive status.

(a) Each licensee ~~Licensees~~ whose surname begins ~~surnames begin~~ with the letters A through K shall renew in odd-numbered years.

(b) Each licensee ~~Licensees~~ whose surname begins ~~surnames begin~~ with the letters L through Z shall renew in even-numbered years.

(2)(a) The fee for reinstatement of an expired license or business entity permit that has been expired for less than one (1) year shall be calculated as provided by KRS 322.160(3).

(b) If the license or business entity permit has been expired for more than one (1) year, the former licensee or business entity shall file an application for reinstatement and pay a fee of \$500.

(3) Reissuance of a license after loss or destruction shall be ~~is~~ twenty-five (25) dollars.

(4) The fee for licensure by endorsement as a professional engineer or professional land surveyor shall be \$300. The fee shall accompany the application for licensure, which is incorporated by reference in 201 KAR 18:020.

(5) An applicant who fails the two (2) hour state specific examination on the first attempt shall be charged fifty (50) dollars for each subsequent attempt.

Section 3. Fees for Examination and Licensure in Additional Disciplines. (1) After initial licensure, a licensee may apply for examination in one (1) or more disciplines of engineering for which he has not been licensed.

(2) For each discipline of engineering he shall submit an:

(a) Updated application, which is incorporated by reference in 201 KAR 18:020; and

(b) Examination fee as established ~~specified~~ in this administrative regulation.

Section 4. Business Entities. (1) The fee for a permit to practice engineering or land surveying in this state shall be \$100 for either permit.

(2) A business entity that ~~which~~ applies for a dual permit shall submit \$150.

(3) These fees shall accompany the application.

(4) The annual renewal fee for an individual permit shall be \$100.

(5) The annual renewal fee for a dual permit shall be \$150.

Section 5. Payment of Fees. (1)(a) Fees payable pursuant to ~~under~~ Section 2 of this administrative regulation shall be paid by check or money order made payable to "Kentucky Board of Licensure" or by major credit card.

(b) Fees payable pursuant to ~~under~~ Section 1 of this administrative regulation shall be paid directly to the examination service.

(2) All fees shall be ~~are~~ nonrefundable.

~~[Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:~~

~~(a) "Application for Licensure to Practice Professional Engineering (1999)";~~

~~(b) "Application for Licensure to Practice Professional Land Surveying (2000)";~~

~~(c) "Professional Reference Form (2000)"; and~~

~~(d) "Report of Professional Experience (2000)".~~

~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, Kentucky Engineering Center, 160 Democrat Drive, Frankfort, Kentucky 40601, 8 a.m. to 4:30 p.m., Monday through Friday, or by downloading from the board's Web page at <http://kyboels.ky.gov>.]~~

B. DAVID COX, Executive Director

APPROVED BY AGENCY: February 9, 2012

FILED WITH LRC: February 10, 2012 at 2 p.m.

CONTACT PERSON: Jonathan Buckley, General Counsel, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, phone (502) 573-2680, fax (502) 573-6687.

GENERAL GOVERNMENT
Board of Physical Therapy
(As Amended at ARRS, April 11, 2012)

201 KAR 22:045. Continued competency requirements and procedures.

RELATES TO: KRS 12.355, 327.010(1), (2), 327.070

STATUTORY AUTHORITY: KRS 327.040(10)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(10) authorizes the board to promulgate administrative regulations establishing a measure of continued competency as a condition of license renewal. This administrative regulation establishes continued competency requirements and procedures.

Section 1. Definitions. (1) "Contact hour" means a credit earned based on sixty (60) minutes of participation in a physical therapy-related activity.

(2) "Continued competency" means a planned learning experience relating to the scope of "physical therapy" practice as defined by KRS 327.010(1) if the subject is intervention, examination, research, documentation, education, or management of a health care delivery system ~~systems~~.

(3) "Jurisprudence Examination" means an open book tutorial provided by the board on current physical therapy laws and 201 KAR Chapter 22 ~~administrative regulations~~.

Section 2. (1) A credential holder applying for renewal shall have completed the continued competency requirements established in subsections (2) and (3) of this section during the preceding renewal period. Continued competency shall be based on contact hours awarded.

(a) For a physical therapist, the board shall require thirty (30)

contact hours as a condition of licensure renewal. These hours shall be obtained as follows:

1. Two (2) hours shall be awarded for the successful completion of the Jurisprudence Examination per biennium;

2. At least eighteen (18) hours shall be earned from Category 1 as established[described] in subsection (2) of this section; and

3. ~~[No more than ten (10)]~~Hours may be earned from Category 2 as established[described] in subsection (3) of this section. Hours earned from Category 2 over ten (10) hours shall not be awarded.

(b) For a Physical Therapist Assistant, the board shall require twenty (20) contact hours as a condition of renewal. These hours shall be obtained as follows:

1. Two (2) hours shall be awarded for the successful completion of the Jurisprudence Examination per biennium;

2. At least ten (10) hours shall be earned from Category 1 as established[described] in subsection (2) of this section; and

3. ~~[No more than eight (8)]~~Hours may be earned from Category 2 as established[described] in subsection (3) of this section. Hours earned from Category 2 over eight (8) hours shall not be awarded.

(c) A participant shall not be awarded contact hours for a course that is repeated more than once in the same biennium;

(2) Category 1 continued competency shall be any of the following:

(a) Completion of courses, seminars, workshops, symposia, or home study courses consisting of at least three (3) contact hours that have been approved by the board, the board's designee, Federation of State Boards of Physical Therapy (FSBPT), the American Physical Therapy Association (APTA) or its components, or another[any other] physical therapy licensing agency.[;];[;]

(b) Completion or auditing of an accredited postsecondary educational institution credit course.

1. Twelve (12) contact hours shall be awarded for each semester credit hour completed; and

2. Eight (8) contact hours shall be awarded for each quarter credit hour completed;

(c) Presentation of a continuing education course, workshop, seminar, or symposium that has[courses, workshops, seminars, or symposia that have] been approved by the board or its designee. Contact hours shall be awarded equal to contact hours awarded to a participant with a maximum of two (2) events of the same course per biennium;

(d) Authorship of a research article, manuscript, or scientific paper, published in the biennium and related to physical therapy. Fifteen (15) contact hours shall be awarded per event with a maximum of two (2) events per biennium;

(e) A presented scientific poster or scientific platform presentation related to physical therapy. Ten (10) contact hours shall be awarded per event with a maximum of two (2) events per biennium;

(f) Teaching part of a physical therapy or physical therapist assistant credit course if that teaching is not the primary employment of the credential holder. A maximum of twenty (20) contact hours per biennium shall be awarded;

(g) Certification or recertification of clinical specialization within the scope of physical therapy practice. Twenty-eight (28) contact hours shall be awarded per biennium;

(h) Completion of a clinical residency program, or clinical fellowship program. Not more than five (5) contact hours shall be awarded for each week of residency with a maximum of twenty-eight (28) contact hours per program per biennium;

(i) Engaging in the practice of "physical therapy" as defined by KRS 327.010(2) at least 1,000 hours per biennium. Five (5) contact hours shall be awarded per biennium;

(j) Engaging in the instruction in a CAPTE-accredited physical therapy or physical therapist assistant program at least 1,000 hours per biennium. Five (5) contact hours shall be awarded per biennium;

(k) Appointment to the Kentucky Board of Physical Therapy. Four (4) contact hours shall be awarded per biennium;

(l) Election or appointment to a position of the Kentucky Physical Therapy Association, APTA or FSBPT as an officer or committee chair. Four (4) contact hours shall be awarded per biennium; or

(m) Member of a committee or task force for one (1) of the organizations in paragraph (k) or (l) of this subsection. One (1) contact hour shall be awarded per biennium.

(3) Category 2 continued competency shall be any of the following:

(a) Self-instruction from reading professional literature. One (1) contact hour shall be awarded per biennium;

(b) Attendance at a scientific poster session, lecture, panel, or symposium. One (1) contact hour shall be awarded for each hour of activity. A maximum of two (2) contact hours shall be awarded per biennium;

(c) Clinical instructor for a CAPTE-approved educational program or an APTA credentialed residency or fellowship program. Continued competency shall be one (1) contact hour per sixteen (16) hours of student supervision;

(d) Participation in a physical therapy in-service or study group consisting of two (2) or more physical therapists or physical therapist assistants. A maximum of two (2) contact hours shall be awarded per biennium;

(e) Completion of other unapproved applicable courses[consisting of less than three (3) hours in length]. One (1) contact hour for each hour of credit shall be awarded up to a maximum of three (3) hours per course[per biennium];

(f) Participation in community service related to health care. One (1) contact hour for each hour of participation shall be awarded up to a maximum of two (2) hours per biennium [A maximum of two (2) contact hours of continued competency shall be awarded for two (2) hours per biennium];[or]

(g) Member of the APTA. One (1) contact hour shall be awarded per year and a maximum of two (2) contact hours per biennium;[;]

(h) Completion of cardiopulmonary resuscitation initial certification or re-certification. A maximum of two (2) contact hours shall be awarded per biennium; or

(i) Completion of a HIV/AIDS course. A maximum of two (2) contact hours shall be awarded per biennium.[;]

(4) Documentation of compliance.

(a) Each licensee shall retain independently verifiable documentation of completion of all continued competency requirements of this administrative regulation for a period of three (3) years from the end of the biennium;

(b) The licensee shall, within thirty (30) days of a written request from the board, provide evidence of continued competency activities to the board; and

(c) A licensee who fails to provide evidence of the continued competency activities or who falsely certifies completion of continued competency activities shall be subject to disciplinary action pursuant to KRS 327.070.

(5) Exemption and extension.

(a) A licensee shall be granted a temporary hardship extension for an extension of time, not to exceed one (1) renewal cycle, if the licensee:

1. Files a completed Extension of Time for Completion of Continuing Competency Form, including a plan describing how the required credits will be met; and

2. Submits documentation showing evidence of undue hardship by reason of the licensee's:

- a. Age;
- b. Disability;
- c. Medical condition;
- d. Financial condition; or
- e. Other clearly mitigating circumstance.

(b) A licensee shall be granted a temporary nonhardship extension of time if the licensee cannot show undue hardship and if the licensee:

1. Files a completed Extension of Time for Completion of Continuing Competency Form, including a plan describing how the required credits will be met, by March 31 of the odd-numbered year in the renewal cycle for which the extension is sought;

2. Pays a fee of \$250;

3. Has not received a temporary nonhardship extension of time in the prior renewal cycle; and

4. Files proof of compliance with the continuing competency requirements by the following July 1.

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(c) A licensee on active military duty shall be granted an exemption from continuing competency requirements as established in KRS 12.355[mandated by KRS Chapter 12].

Section 3. Incorporation by Reference.

(1) "Extension of Time for Completion of Continued Competency Form", April 2012[June 2010], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable law, at the Kentucky Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.

REBECCA KLUSCH, Executive Director

APPROVED BY AGENCY: January 19, 2012

FILED WITH LRC: February 14, 2012 at 8 a.m.

CONTACT PERSON: Becky Klusch, Executive Director, Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, phone (502) 429-7140, fax (502) 429-7142.

GENERAL GOVERNMENT CABINET Kentucky Board of Social Work (As Amended at ARRS, April 11, 2012)

201 KAR 23:130. Definition of nonprofit[non-profit] field service office.

RELATES TO: KRS 335.010(5), 26 U.S.C. 501(c)(3)

STATUTORY AUTHORITY: KRS[Chapter 13A,] 335.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.070(3) authorizes the board to promulgate administrative regulations to carry out the provisions of KRS 335.010 to 335.160 and 335.990. This administrative regulation defines the term "nonprofit field service office[offices][office]" in applying the exemption established by[contained in] KRS 335.010(5).

Section 1.[(4)] For the purposes of KRS 335.010(5), the term "[other philanthropic and] nonprofit field service office" means:

(1)[offices] shall mean: a) A charitable organization defined as tax exempt pursuant to 26 U.S.C. 501(c)(3).

(a)[under Section 501 (c)(3) of the Internal Revenue Code.

1.] The organization is[shall be] organized and operated exclusively for the exemption purposes established by 26 U.S.C. 501(c)(3); and

(b)[outlined in Section 501 (c)(3), and

2.] None of its earnings insures to a[shall inure to any] private shareholder or person;

(2)[-b)] A[a] nonprofit subsidiary branch office of a national or regional social service agency that[which] has been certified or accredited by a[such] national or regional organization and that meets the organization's[which meets] specific guidelines and standards[of said organization], including those organizations whose branch office is directed by a board representative of and accountable to the local community, with responsibility shared by the national or regional accrediting organization; and

(3) For example:

(a) The Salvation Army;

(b) The Family Service Association of America;

(c) Big Brothers – Big Sisters;

(d) Catholic Social Services;

(e) The American Red Cross; and

(f) Similar organizations that qualify.[-

Section 2. Without limiting other organizations that may qualify for a national or regional social service agency, the following are examples of those who do qualify:

(1) Salvation Army;

(2) Family Service Association of America;

(3) Big Brothers/Big Sisters;

(4) Catholic Social Services; and

(5) American Red Cross.]

SHARON SANDERS, Chair

APPROVED BY AGENCY: January 30, 2012

FILED WITH LRC: January 31, 2012 at 4 p.m.

CONTACT PERSON: Margaret Hazlette, Executive Director, Kentucky Board of Social Work, 44 Fountain Place, Frankfort, Kentucky 40601, phone (502) 564-2350, fax (502) 696-8030.

GENERAL GOVERNMENT CABINET Kentucky Board of Interpreters for the Deaf and Hard of Hearing (As Amended at ARRS, April 11, 2012)

201 KAR 39:001. Definitions for 201 KAR Chapter 39.

RELATES TO: KRS 309.300(4), KRS 309.3015

STATUTORY AUTHORITY: KRS 309.304(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) requires the Kentucky Board of Interpreters for the Deaf and Hard of Hearing to promulgate administrative regulations pertaining to the practice and licensure of interpreters, interpreter intern, or student in training. This administrative regulation estab-
lishes definitions for 201 KAR Chapter 39[sets forth the defini-
tion of terms and phrases which will be used by the board in en-
forcing and interpreting the provisions of Chapter 13A and the
administrative regulations].

Section 1. Definitions. (1) "American Sign Language Proficiency Interview (ASLPI) as administered by Gallaudet University" means the assessment that rates the ability to use American Sign Language grammar and vocabulary in most formal and informal conversations on social and work topics.

(2) "Board-approved mentor" means a licensed interpreter in this state or the resident of another state who:

(a) Can meet the requirements for licensure in this state as set forth in KRS Chapter 309 and 201 KAR Chapter 39;

(b) Holds a valid certificate meeting the requirements for full licensure for a minimum of three (3) years prior to serving as a mentor; and

(c) Has completed forty-five (45) hours of continuing education since obtaining certification.

(3) "Case manager" means a member of the board appointed by the chair of the board to review complaints and investigative reports, and to participate in informal proceedings to resolve a formal complaint.

(4) "Certificate of Interpretation (CI) granted by RID" means a certificate indicating that the holder has demonstrated the ability to interpret between American Sign Language and spoken English in both sign-to-voice and voice-to-sign, without consideration of the interpreter's ability to transliterate.

(5) "Certificate of Transliteration (CT) granted by RID" means a certificate indicating that the holder has demonstrated the ability to transliterate between English-based sign language and spoken English in both sign-to-voice and voice-to-sign, without consideration of the transliterator's ability to interpret.

(6) "Certified Deaf Interpreter (CDI) granted by RID" means that the holder of this certificate is an interpreter who is deaf or hard of hearing, has passed comprehensive written and performance tests, and is recommended for a broad range of assignments where an interpreter who is deaf or hard of hearing would be beneficial.

(7) "Chair" means the chair or vice-chair of the board.

(8) "Charge" means a specific allegation contained in a formal complaint issued by the board alleging a violation of a specified provision of KRS 309.300 to 309.319, 201 KAR Chapter 39, or any other state or federal statute or administrative regulation.

(9) "Complaint" means any written or videotaped allegation of misconduct by a licensed individual that might constitute a violation of KRS 309.300 to 309.319, 201 KAR Chapter 39, or any state or federal statute regulating the practice of interpreting.

(10) "Complaint screening committee" means a committee consisting of three (3) persons on the board appointed by the chairman of the board to review complaints and investigative reports, and to participate in informal proceedings to resolve a formal complaint or recommend action to the board.

(11) "Comprehensive Skills Certificate (CSC) granted by RID" means a certificate indicating that the holder has demonstrated the ability to interpret between American Sign Language and Spoken English and to transliterate between spoken English and an English-based sign language.

(12) "Conditional Legal Interpreting Permit-Relay (CLIP-R) granted by RID" means that the holder of this conditional permit has completed a RID-recognized training program designed for interpreters and transliterators who work in legal settings, who are also deaf or hard-of-hearing, and who are recommended for a broad range of assignments in the legal setting.

(13) "Cued Language Transliterator National Certification Examination (CLTNCE)" means the examination which measures skills that satisfy the TECUnit minimum standard of both knowledge and skills in cued language transliteration and passage of which is required to recommend the individual for limited settings that require cued speech.

(14) "Deaf Interpreter" means an individual who is deaf or hard of hearing and holds licensure.

(15) "Deaf or Hard of Hearing Individuals" mean individuals who have hearing disorders and who cannot hear and understand speech clearly through the ear alone with or without amplification, as verified by a licensed medical professional specializing in the provision of services to the deaf and hard of hearing.

(16) "Education Interpreter Performance Assessment (EIPA) granted by Boys Town National Research Hospital" means an assessment indicating that the holder:

(a) Has demonstrated the ability to expressively interpret classroom content and discourse;

(b) Has demonstrated the ability to receptively interpret student sign language;

(c) Is not limited to any one sign language or system; and

(d) Is recommended to work with students who predominately use American Sign Language (ASL), Manually-Coded English (MCE), or Pidgin Sign English (PSE).

(17) "Educational Certificate: K-12 (Ed: K-12) granted by RID" means that the holder has demonstrated:

(a) The ability to interpret classroom content, discourse, and student sign language; and

(b) Proficient expressive and receptive interpreting skills in all elementary and secondary school classroom settings.

(18) "Formal complaint" means a formal administrative pleading authorized by the board which:

(a) Sets forth charges against a licensed individual or other person; and

(b) 1. Commences a formal disciplinary proceeding pursuant to KRS Chapter 13B; or

2. Requests the court to take criminal or civil action.

(19) "Informal proceedings" means the proceedings instituted at any stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.

(20) "Interpretation Certificate (IC) granted by RID" means that the holder has demonstrated the ability to interpret between American Sign Language and spoken English.

(21) "Interpreting Certificate/Transliteration Certificate (IC/TC) granted by RID" means that the holder has demonstrated the ability to transliterate between English and a signed code for English and the ability to interpret between American Sign Language and spoken English.

(22) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint.

(23) "Licensure year" means the period between July 1st of each year and June 30th of the following year or the time from which a license or temporary license was granted until the next June 30th.

(24) "Master Comprehensive Skills Certificate (MCSC) granted by RID" means that the holder has demonstrated a higher standard of performance than holders of the CSC and is recommended for a broad range of interpreting and transliterating assignments.

(25) "NAD" means the National Association of the Deaf.

(26) "NAD Level III (Generalist)" means that the holder has demonstrated average voice-to-sign skills, good sign-to-voice skills, and the minimum competence needed to meet generally

accepted interpreter standards, except that this individual is not qualified for all situations.

(27) "NAD Level IV (Advanced)" means that the holder has demonstrated excellent voice-to-sign skills and above average sign-to-voice skills, and this individual is recommended for most situations.

(28) "NAD Level V (Master)" means that the holder has demonstrated superior voice-to-sign skills and excellent sign-to-voice skills, and this individual is recommended for a broad range of interpreting assignments.

(29) "National Interpreter Certification (NIC)" means a certification indicating that the holder has passed the NIC Knowledge exam as administered by RID and has scored within the standard range on the interview and performance portions of the test.

(30) "National Interpreter Certification (NIC Advanced)" means a certification indicating that the holder has passed the NIC Knowledge exam as administered by RID, scored within the standard range on the interview portion, and scored within the high range on the performance portion of the test.

(31) "National Interpreter Certification Master (NIC Master)" means a certification indicating that the holder has passed the NIC Knowledge exam as administered by RID and has scored within the high range on both the interview and performance portions of the test.

(32) "One (1) continuing education hour" means sixty (60) contact minutes of participating in continuing education experiences.

(33) "Oral Interpreting Certificate, Comprehensive (OIC:C) granted by RID" means a certificate indicating that the holder has demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf or hard-of-hearing.

(34) "Oral Interpreting Certificate, Spoken to Visible (OIC:S/V) granted by RID" means a certificate indicating that the holder has demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing.

(35) "Oral Interpreting Certificate, Visible to Spoken (OIC:V/S) granted by RID" means a certificate indicating that the holder has demonstrated the ability to understand the speech and silent mouth movements of a person who is deaf or hard-of-hearing and to repeat the message for a hearing person.

(36) "Oral Transliteration Certificate (OTC) granted by RID" means a certificate indicating that the holder has demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf and hard-of-hearing.

(37) "Reverse Skills Certificate (RSC) granted by RID" means a certificate indicating that the holder:

(a) Is deaf or hard of hearing; and

(b) Has demonstrated the ability to:

1. Interpret between American Sign Language and English-based sign language; or

2. Transliterate between spoken English and a signed code for English.

(38) "Revoked" means the process by which the board terminates all rights and privileges associated with that license, in settlement of a disciplinary action initiated by the board.

(39) "RID" means Registry of Interpreters for the Deaf, Inc.

(40) "Sign Communication Proficiency Interview (SCPI) as developed by National Technical Institute for the Deaf" means the assessment that rates the ability to communicate expressively and receptively in a video-taped one-on-one interview or conversation with a trained interviewer.

(41) "Sign Language Proficiency Interview (SLPI) as developed by National Technical Institute for the Deaf" means the assessment that rates the ability to communicate expressively and receptively in a video-taped one-on-one interview or conversation with a trained interviewer.

(42) "Specialist Certificate: Legal (SC:L) granted by RID" means a certificate indicating that the holder has demonstrated specialized knowledge of legal settings and greater familiarity with

language used in the legal system and is recommended for a broad range of assignments in the legal setting.

(43) "Specialist Certificate: Performing Arts (SC:PA) granted by RID" means a certificate indicating that the holder has demonstrated specialized knowledge in performing arts interpretation and is recommended for a broad range of assignments in the performing arts setting.

(44) "TECUnit" means the National Training, Evaluation, and Certification Unit.

(45) "Transliteration Certificate (TC) granted by RID" means a certificate indicating that the holder has demonstrated the ability to transliterate between spoken English and a signed code for English.

(46) "Voluntary surrender" means the process by which a person who holds a license issued by the board, knowingly and willingly, returns the license to the board, forfeiting all rights and privileges associated with that license, in settlement of a disciplinary action initiated by the board. [Organizations and Individuals. (1) "NAD" means the National Association of the Deaf.

(2) "RID" means Registry of Interpreters for the Deaf, Inc.

(3) "TECUnit" means the National Training, Evaluation, and Certification Unit.

(4) "Deaf Interpreter" means an individual who is deaf or hard of hearing and holds licensure.

(5) "Board-approved mentor" means:

(a) A licensed interpreter in this state or the resident of another state who can meet the requirements for licensure in this state as set forth in KRS Chapter 309 and the administrative regulations promulgated pursuant thereto;

(b) Who holds a valid certificate meeting the requirements for full licensure for a minimum of three (3) years prior to serving as a mentor; and

(c) Who has completed forty-five (45) hours of continuing education since obtaining certification;

(6) "Case manager" means a member of the board appointed by the chair of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint.

(7) "Chair" means the chair or vice-chair of the board.

(8) "Complaint screening committee" means a committee consisting of three (3) persons on the board appointed by the chairman of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint or recommend action to the Board.

(9) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint.

Section 2. Certifications and Assessments. (1) National Interpreter Certification (NIC). Individuals who achieve the NIC level have passed the NIC Knowledge exam as administered by RID. They have scored within the standard range on the interview and performance portions of the test.

(2) National Interpreter Certification (NIC-Advanced). Individuals who achieved the NIC Advanced level have passed the NIC Knowledge exam as administered by RID; scored within the standard range on the interview portion; and scored within the high range on the performance portion of the test.

(3) National Interpreter Certification Master (NIC Master). Individuals who achieved the NIC Master level have passed the NIC Knowledge exam as administered by RID. They have scored within the high range on both the interview and performance portions of the test.

(4) Comprehensive Skills Certificate (CSC) granted by RID. Holders of this certificate have demonstrated the ability to interpret between American Sign Language and Spoken English and to transliterate between spoken English and an English-based sign language.

(5) Certificate of Transliteration (CT) granted by RID. Holders of this certificate have demonstrated the ability to transliterate between English-based sign language and spoken English in both sign-to-voice and voice-to-sign. The transliterator's ability to interpret is not considered in this certification;

(6) Certificate of Interpretation (CI) granted by RID. Holders of this certificate have demonstrated the ability to interpret between

American Sign Language and spoken English in both sign-to-voice and voice-to-sign. The interpreter's ability to transliterate is not considered in this certification;

(7) Interpreting Certificate/Transliteration Certificate (IC/TC) granted by RID. Holders of this certificate have demonstrated the ability to transliterate between English and a signed code for English and the ability to interpret between American Sign Language and spoken English;

(8) Interpretation Certificate (IC) granted by RID. Holders of this certificate have demonstrated ability to interpret between American Sign Language and spoken English;

(9) Transliteration Certificate (TC) granted by RID. Holders of this certificate have demonstrated the ability to transliterate between spoken English and a signed code for English.

(10) Master Comprehensive Skills Certificate (MCSC) granted by RID. Holders of this certificate have demonstrated a higher standard of performance than holders of the CSC. Holders of this certificate are recommended for a broad range of interpreting and transliterating assignments.

(11) Specialist Certificate: Legal (SC:L) granted by RID. Holders of this certificate have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. Holders of the SC:L are recommended for a broad range of assignments in the legal setting;

(12) Specialist Certificate: Performing Arts (SC:PA) granted by RID. Holders of this certificate have demonstrated specialized knowledge in performing arts interpretation. Holders of this certificate are recommended for a broad range of assignments in the performing arts setting;

(13) Oral Transliteration Certificate (OTC) granted by RID. Holders of this certificate have demonstrated ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf and hard-of-hearing;

(14) Oral Interpreting Certificate. Comprehensive (OIC:C) granted by RID. Holders of this certificate have demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf or hard-of-hearing;

(15) Oral Interpreting Certificate. Spoken to Visible (OIC:S/V) granted by RID. Holders of this certificate have demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing.

(16) Oral Interpreting Certificate. Visible to Spoken (OIC:V/S) granted by RID. Holders of this certificate have demonstrated the ability to understand the speech and silent mouth movements of a person who is deaf or hard-of-hearing and to repeat the message for a hearing person.

(17) NAD Level V (Master). Holders of this certificate have demonstrated superior voice-to-sign skills and excellent sign-to-voice skills. Holders of this certificate are recommended for a broad range of interpreting assignments.

(18) NAD Level IV (Advanced). Holders of this certificate have demonstrated excellent voice-to-sign skills and above-average sign-to-voice skills. Holders of this certificate are recommended for most situations.

(19) NAD Level III (Generalist). Holders of this certificate have demonstrated average voice-to-sign skills and good sign-to-voice skills. This individual has demonstrated the minimum competence needed to meet generally accepted interpreter standards but is not qualified for all situations.

(20) Educational Certificate: K-12 (Ed: K-12) granted by RID. Holders of this certificate have demonstrated the ability to interpret classroom content, discourse and the ability to interpret student sign language. Holders have demonstrated proficient expressive and receptive interpreting skills in all elementary and secondary school classroom settings.

(21) Education Interpreter Performance Assessment (EIPA) granted by Boys Town National Research Hospital. Holders of an EIPA assessment have demonstrated the ability to expressively interpret classroom content and discourse and the ability to receptively interpret student sign language. It is not limited to any one

sign language or system. Holders are recommended to work with students who predominately use American Sign Language (ASL), Manually-Coded English (MCE) or Pidgin Sign English (PSE).

(22) Certified Deaf Interpreter (CDI) granted by RID. Holders of this certificate are interpreters who are deaf or hard of hearing and have passed comprehensive written and performance tests. Holders of this certificate are recommended for a broad range of assignments where an interpreter who is deaf or hard of hearing would be beneficial.

(23) Conditional Legal Interpreting Permit-Relay (CLIP-R) granted by RID. Holders of this conditional permit have completed a RID-recognized training program designed for interpreters and transliterators who work in legal settings and who are also deaf or hard of hearing. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting.

(24) Reverse Skills Certificate (RSC) granted by RID. Holders of this certificate are deaf or hard of hearing and have demonstrated the ability to interpret between American Sign Language and English-based sign language or transliterate between spoken English and a signed code for English.

(25) American Sign Language Proficiency Interview (ASLPI) as administered by Gallaudet University. This assessment rates the ability to use American Sign Language grammar and vocabulary in most formal and informal conversations on social and work topics.

(26) Sign Language Proficiency Interview (SLPI) as developed by National Technical Institute for the Deaf. This assessment rates the ability to communicate expressively and receptively in a video-taped one-on-one interview/conversation with a trained interviewer.

(27) Sign Communication Proficiency Interview (SCPI) as developed by National Technical Institute for the Deaf. This assessment rates the ability to communicate expressively and receptively in a video-taped one-on-one interview/conversation with a trained interviewer.

(28) Cued Language Transliterator National Certification Examination (CLTNCE). Ones who pass this Examination have demonstrated skills that satisfy the TECUnit minimum standard of both knowledge and skills in cued language transliteration. Holders of this certificate are recommended for limited settings that require cued speech.

Section 3. Other Terms. (1) "One (1) continuing education hour" means sixty (60) contact minutes of participating in continuing education experiences.

(2) "Voluntary surrender" means the process by which a person who holds a license issued by the board, knowingly and willingly, returns the license to the board, forfeiting all rights and privileges associated with that license, in settlement of a disciplinary action initiated by the board.

(3) "Revoked" means the process by which the board terminates all rights and privileges associated with that license, in settlement of a disciplinary action initiated by the board.

(4) "Charge" means a specific allegation contained in a formal complaint issued by the board alleging a violation of a specified provision of KRS 309.300 to 309.319, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation.

(5) "Complaint" means any written or videotaped allegation of misconduct by a licensed individual that might constitute a violation of KRS 309.300 to 309.319, the administrative regulations promulgated thereunder, or any state or federal statute regulating the practice of interpreting.

(6) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.

(7) "Informal proceedings" means the proceedings instituted at any stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.

(8) "Deaf or Hard of Hearing Individuals" mean individuals who have hearing disorders and who cannot hear and understand speech clearly through the ear alone with or without amplification. This shall be verified by a licensed medical professional specializing

in the provision of services to the deaf and hard of hearing.

(9) "Licensure year" means the period between July 1st of each year and June 30th of the following year or the time from which a license or temporary license was granted until the next June 30th.]

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

**GENERAL GOVERNMENT CABINET
Kentucky Board of Interpreters
for the Deaf and Hard of Hearing
(As Amended at ARRS, April 11, 2012)**

201 KAR 39:030. Application; qualifications for licensure; and certification levels.

RELATES TO: KRS 309.304(1), 309.312(1)(b)

STATUTORY AUTHORITY: KRS 309.304(3), 309.312(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) and 309.312(1)(b) require the Kentucky Board of Interpreters for the Deaf and Hard of Hearing to promulgate an administrative regulation establishing the requirements for an applicant for licensure as an interpreter for the deaf and hard of hearing. This administrative regulation establishes these requirements.

[Section 1. Definition. "RID" means the Registry of Interpreters for the Deaf.] Section 1[2]. Application. Each applicant for a license shall [submit]:

(1) **Submit** a completed "Application for Licensure" form to the board; [and]

(2) Pay the application and license fee as set forth in 201 KAR 39:040; and[.]

(3) **Submit proof of valid certification:**

[a][a.] At a level recognized by RID, with the exception of NAD III; [or]

[b][b.] At EIPA level 3.5 and passage of the EIPA written if applying on or prior to July 1, 2013[2014]; [or]

[c][c.] TECUnit; or

[d][d.] Other certifications as described in 201 KAR 39:080 if applying for licensure via reciprocity.

Section 2.[.] Incorporation by Reference. "Application for Licensure", 2011[2014] is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.[Section 3. Certification Levels. In order to receive a license, an applicant shall submit with an application, proof of holding one (1) or more of the following certifications of competence or completion assessments:

(1) Current certification by the Registry of Interpreters for the Deaf in:

(a) Comprehensive Skills Certificate (CSC). Holders of this full certificate have demonstrated the ability to interpret between American Sign Language and Spoken English and to transliterate between spoken English and an English-based sign language;

(b) Certificate of Transliteration (CT). Holders of this certificate are recognized as fully certified in transliteration and have demonstrated the ability to transliterate between English-based sign language and spoken English in both sign-to-voice and voice-to-sign. The transliterator's ability to interpret is not considered in this certification;

(c) Certificate of Interpretation (CI). Holders of this certificate are recognized as fully certified in interpretation and have demonstrated the ability to interpret between American Sign Language and spoken English in both sign-to-voice and voice-to-sign. The interpreter's ability to transliterate is not considered in this certification.

tion;

(d) ~~Interpreting Certificate/Transliteration Certificate (IC/TC).~~ Holders of this partial certificate demonstrated ability to transliterate between English and a signed code for English and the ability to interpret between American Sign Language and spoken English;

(e) ~~Reverse Skills Certificate (RSC).~~ Holders of this full certificate demonstrated the ability to interpret between American Sign Language and English-based sign language or transliterate between spoken English and a signed code for English. Holders of this certificate are deaf or hard-of-hearing and interpretation/transliteration is rendered in American Sign Language, spoken English, a signed code for English or written English;

(f) ~~Certified Deaf Interpreter (CDI).~~ Holders of this certification are interpreters who are deaf or hard-of-hearing and who have demonstrated a minimum of one (1) year experience working as an interpreter, completion of at least eight (8) hours of training on the RID Code of Ethics, and eight (8) hours of training in general interpretation as it relates to the interpreter who is Deaf or Hard-of-Hearing;

(g) ~~Certified Deaf Interpreter Provisional (CDI-P).~~ Holders of this provisional certification are interpreters who are deaf or hard-of-hearing and who have demonstrated a minimum of one (1) year experience working as an interpreter, completion of at least eight (8) hours of training on the RID Code of Ethics, and eight (8) hours of training in general interpretation as it relates to the interpreter who is deaf or hard-of-hearing. Provisional certification is valid until one (1) year after the certified deaf interpreter written and performance test is available nationally. Provisional certificate holders shall take and pass the CDI examination in order to remain certified as a deaf interpreter;

(h) ~~Oral Transliteration Certificate (OTC).~~ Holders of this generalist certificate have demonstrated ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf and hard-of-hearing;

(i) ~~Interpretation Certificate (IC).~~ Holders of this partial certificate demonstrated ability to interpret between American Sign Language and spoken English;

(j) ~~Transliteration Certificate (TC).~~ Holders of this partial certificate demonstrated the ability to transliterate between spoken English and a signed code for English;

(k) ~~Conditional Legal Interpreting Permit (CLIP).~~ Holders of this conditional permit have completed a RID-recognized training program designed for interpreters and transliterators who work in legal settings. Generalist certification (CI and CT, or CSC) is required prior to enrollment in the training program. This permit is valid until one (1) year after the specialist certificate: legal written and performance test is available nationally. CLIP holders shall take and pass the new legal certification examination in order to maintain certification in the specialty area of interpreting in legal settings. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting;

(l) ~~Conditional Legal Interpreting Permit-Relay (CLIP-R).~~ Holders of this conditional permit have completed a RID-recognized training program designed for interpreters and transliterators who work in legal settings and who are also deaf or hard-of-hearing. Generalist certification for interpreters or transliterators who are deaf or hard-of-hearing (RSC or CDI-P) is required prior to enrollment in the training program. This permit is valid until one (1) year after the specialist certificate: legal written and performance test for deaf interpreters is available nationally. CLIP-R holders shall take and pass the new legal certification examination in order to maintain certification in the specialized area of interpreting in legal settings. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting;

(m) ~~Master Comprehensive Skills Certificate (MCSC).~~ The MCSC examination was designed with the intent of testing for a higher standard of performance than the CSC. Holders of this certificate were required to hold the CSC prior to taking this exam. Holders of this certificate are recommended for a broad range of interpreting and transliterating assignments;

(n) ~~Specialist Certificate: Legal (SC:L).~~ Holders of this special-

ist certificate have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. Generalist certification and documented training and experience is required prior to sitting for this exam. Holders of the SC:L are recommended for a broad range of assignments in the legal setting;

(o) ~~Provisional Specialist Certificate: Legal (Prov. SC:L).~~ Holders of this provisional certificate hold generalist certification and have completed RID-approved training required prior to sitting for the SC:L exam. This provisional certification is valid until one (1) year after the specialist certificate: legal written and performance test is available nationally. Holders of this certificate are recommended for assignments in the legal setting;

(p) ~~Specialist Certificate: Performing Arts (SC:PA).~~ Holders of this certificate were required to hold RID generalist certification (CSC) prior to sitting for this examination and have demonstrated specialized knowledge in performing arts interpretation. Holders of this certificate are recommended for a broad range of assignments in the performing arts setting;

(q) ~~Oral Interpreting Certificate: Comprehensive (OIC:C).~~ Holders of this generalist certificate demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf or hard-of-hearing;

(r) ~~Oral Interpreting Certificate: Spoken to Visible (OIC:S/V).~~ Holders of this partial certificate demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing. This individual received scores on the OIC:C examination which prevented the awarding of full OIC:C certification; or

(s) ~~Oral Interpreting Certificate: Visible to Spoken (OIC:V/S).~~ Holders of this partial certificate demonstrated ability to understand the speech and silent mouth movements of a person who is deaf or hard-of-hearing and to repeat the message for a hearing person. This individual received scores on the OIC:C examination which prevented the awarding of full OIC:C certification.

(2) ~~Current certification by the National Association for the Deaf in:~~

(a) ~~Level V Masters;~~

(b) ~~Level IV Advanced; or~~

(c) ~~CUED Speech -- National Training, Evaluation, and Certification Unit;~~

(3) ~~Other certifications as described in 201 KAR 39:080 or as required by federal law.~~

Section 4. Incorporation by Reference. (1) "Application for License," 2001 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

**GENERAL GOVERNMENT CABINET
Kentucky Board of Interpreters
for the Deaf and Hard of Hearing
(As Amended at ARRS, April 11, 2012)**

201 KAR 39:040. Fees.

RELATES TO: KRS 309.312(1)(a), (4), 309.314(1), (2), (4), (6)
STATUTORY AUTHORITY: KRS 309.306, 309.304(3), 309.314(1), (2), (4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) and 309.314 require the Board of Interpreters for

VOLUME 38, NUMBER 11 – MAY 1, 2012

the Deaf and Hard of Hearing to promulgate administrative regulations to effectively carry out the provisions of KRS 304.300 to 309.319 and to establish requirements concerning license fees. This administrative regulation establishes~~[This administrative regulation is necessitated by KRS 309.304(3) and sets forth in detail]~~ all fees charged by the board.

Section 1. Fees for Licensure.~~[Application Fee.]~~ (1) The application fee for initial licensure shall be fifty (50) dollars. This fee shall be~~[is]~~ nonrefundable.

(2) The initial licensure fee shall be \$100~~[one hundred (100) dollars].~~ If the application for initial licensure is denied, the initial licensure fee shall~~[may]~~ be refunded upon written request of the applicant.

(3) The annual renewal fee shall be seventy-five (75) dollars. Renewal fees shall not be refundable.~~[(2) The application fee for initial temporary license shall be fifty (50) dollars.~~

~~(3) Application fees shall not be refundable.]~~

Section 2. Fees for Temporary Licensure.~~[Initial Licensure Fee.]~~ (1) The initial licensure fee for licensure shall be \$100. The application fee for initial temporary licensure shall be fifty (50) dollars. This fee shall be~~[is]~~ nonrefundable.

(2) The initial licensure fee for a temporary license shall be fifty (50) dollars. If the application for initial temporary licensure is denied, the initial licensure fee shall~~[may]~~ be refunded upon written request of the applicant. The annual fee to maintain or extend a temporary license shall be fifty (50) dollars. This fee shall be nonrefundable.~~[(3) If the initial licensure application is denied the initial licensure fee may be refunded upon written request of the applicant.~~

Section 3. Renewal and Extension Fees. (1) The annual renewal fee for licensure shall be seventy-five (75) dollars.

(2) The fee to extend a temporary license shall be fifty (50) dollars.

(3) Renewal fees and extension fees shall not be refundable.]

Section 3~~[4]~~. Late Renewal and Extension Fees. (1) All licenses renewed during the sixty (60) day grace period shall require payment of a late renewal fee of sixty (60) dollars in addition to the current renewal fee set forth in Section 1~~(3)~~~~[3]~~ of this administrative regulation.

(2) All temporary licenses extended during the sixty (60) day grace period shall pay a late fee of thirty-five (35) dollars in addition to the current extension fee set forth in Section 2~~(3)~~~~[3]~~ of this administrative regulation.

(3) Late renewal and extension fees shall not be refundable.

Section 4~~[5]~~. Reinstatement Fee. (1) The reinstatement fee for a license terminated pursuant to KRS 309.314(3) shall be \$125, in addition to the current renewal or extension fee as set forth in Section 1~~(3)~~ or 2(3)~~[3]~~ of this administrative regulation.

(2) The reinstatement fee~~[fees]~~ shall not be refundable.

Section 5~~[6]~~. Fee for a Reciprocal License. (1) The fee for a reciprocal license shall be \$250.

(2) The reciprocal license fee shall not be refundable.

Section 6~~[7]~~. Duplicate License Fee. The fee for a duplicate license shall be ten (10) dollars.

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

GENERAL GOVERNMENT CABINET
Kentucky Board of Interpreters for the
Deaf and Hard of Hearing
(As Amended at ARRS, April 11, 2012)

201 KAR 39:050. Renewal of licenses, and extension of temporary licenses and reinstatement.

RELATES TO: KRS 309.304(5), 309.312, 309.314
STATUTORY AUTHORITY: KRS 309.304(3), 309.312, 309.314

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3), 309.312, and 309.314 require the Board of Interpreters for the Deaf and Hard of Hearing to promulgate administrative regulations to carry the provisions of KRS 309.300 to 309.319; to establish certification requirements for licensure; and to establish renewal and reinstatement fees. This administrative regulation establishes requirements for renewal of licenses, extension of temporary licenses, and reinstatement.~~[establishes requirements for annual renewal of the license. KRS 309.312 establishes requirements for extension of temporary licenses. This administrative regulation sets forth that process in detail.]~~

Section 1. ~~[Definitions.]~~ (1) "CDI" means a Certified Deaf Interpreter.

(2) "EIPA" means Education Interpreter Performance Assessment.

(3) "ESSE: I" means Educational Signs Skills Evaluation: Interpreting.

(4) "ESSE: R" means Educational Signs Skills Evaluation: Receptive.

(5) "NAD" means National Association for the Deaf.

(6) "NIC" means National Interpreter Certification.

(7) "Nondegree applicant" means an individual who has either no degree or a degree other than an interpreter training program degree.

(8) "RID" means Registry of the Interpreters for the Deaf.

(9) "SCPI" means Sign Communication Proficiency Interview.

Section 2. Renewal of Licenses. A person licensed as an interpreter shall renew that license annually, as required by KRS 309.314(1) by submitting the following to the board:

(1) A completed "License Renewal Application" form;

(2) The renewal fee as established in 201 KAR 39:040~~[Section 3]~~;

(3) Proof of current certification of the licensee as established in 201 KAR 39:030; and

(4) Documentation of completion of the continuing education requirement established in 201 KAR 39:090~~[Section 2(4)]~~.

Section 2~~[3]~~. Grace Period. If a license is not renewed by July 1, it~~[A license not renewed by July 1,]~~ may be renewed during the following sixty (60) day period, in accordance with KRS 309.314~~(2)~~, by:

(1) Complying with the requirements established in Section 1 of this administrative regulation; and

(2) Submitting the late renewal fee established in 201 KAR 39:040, ~~[Section 4(1)]~~.

Section 3~~[4]~~. (1) Reinstatement. A license not renewed prior to the close of the sixty (60) day grace period, in accordance with KRS 309.314(4), may be reinstated upon:

~~(a)~~~~[(4)]~~ Payment of the renewal fee plus a reinstatement fee as established by 201 KAR 39:040, Section 4~~(1)~~ ~~[5(4)]~~;

~~(b)~~~~[(2)]~~ Submission of a completed "License Reinstatement Application" ~~[or "Temporary License Reinstatement Application"]~~ Form to the board;

~~(c)~~~~[(3)]~~ Submission of evidence of completion of continuing education as required by 201 KAR 39:090, Section 10; and

~~(d)~~~~[(4)]~~ Completion of the requirements of Section 4~~[5]~~ of this administrative regulation.

(2) The board may ~~[in its discretion]~~ reinstate a temporary license~~[if and]~~ only if the licensee submits proof sufficient to the

Board of situations such as:

- (a) Medical disability of the licensee;
- (b) Illness of the licensee or an immediate family member; or
- (c) Death or serious injury of an immediate family member[; or
- (d) For good cause shown].
- (3) A request for reinstatement of a temporary license involving medical disability or illness shall be:
 - (a) Submitted by the person holding a license; and
 - (b) Accompanied by a verifying document signed by a licensed physician.

Section 4[5]. Extensions of Temporary Licenses. To request an extension of a temporary license:

- (1) A temporary licensee shall submit:
 - (a)[a-] A completed "Temporary License Extension Application" form;
 - (b)[b-] The appropriate fee set forth in 201 KAR 39:040;
 - (c)[c-] Proof of completion of the continuing education requirements set forth in 201 KAR 39:090;
 - (d)[d-] A letter recommending extension written by the Mentor(s) of Record for the previous licensure term which describes the progress achieved by the Mentee. The Board may waive this requirement upon submission of proof by the licensee that the licensee has substantially met the goals stated in the plan of supervision; and
 - (e)[e-] A revised plan of supervision for the upcoming licensure year.
- (2) A deaf or hard of hearing temporary licensee shall submit:
 - (a)[a-] Upon applying for a first, second, or third extension:
 - 1.[i-] A completed "Temporary License Extension Application" form;
 - 2.[ii-] The appropriate fee set forth in 201 KAR 39:040;
 - 3.[iii-] Proof of completion of the continuing education requirements set forth in 201 KAR 39:090;
 - 4.[iv-] A letter recommending extension written by the Mentor(s) of Record which describes the progress achieved by the Mentee. The board may waive this requirement upon submission of proof by the licensee that the licensee has substantially met the goals stated in the plan of supervision; and
 - 5.[v-] A revised plan of supervision for the upcoming licensure year.
 - (b)[b-] Upon applying for a fourth and subsequent extensions:
 - 1.[i-] All requirements listed in paragraph (a) of this subsection[Section (a)]; and
 - 2.[ii-] Proof of passage of the RID CDI Knowledge Exam.
- (3) The extensions of temporary licenses under this section shall be[are] subject to the term limitations imposed by 201 KAR 39:070(2). [Effective July 1, 2007, an application for extension of a temporary license for 2007/2008 shall be classified as a first renewal and the applicant's first request for an extension. Subsequent requests for extension shall meet the requirements of subsection 1, 2, or 3 of this section. An applicant who comes into the system after July 1, 2007 shall meet the applicable requirements for the first request for an extension.

- (1) Requirements for graduates of a nondegreed interpreter training program.
 - (a) A graduate of a baccalaureate or associate interpreter training program may apply on or before July 1, for a first extension of a temporary license by submitting:
 - 1. A copy of the test results of either the RID written exam or the NIC written exam; or
 - 2. Documentation of a valid NAD Level III certification.
 - (b) An extension shall be valid for one (1) year.
 - (c) In order to obtain a second one (1) year extension, a graduate shall submit, on or before July 1, proof that the graduate:
 - 1. Has taken and passed either the RID written exam or NIC written exam; or
 - 2. Holds a valid NAD-III certification.
 - (d) In order to obtain a third and final one (1) year extension, a graduate shall submit, on or before July 1, proof that the graduate has taken either the RID performance exam or the NIC performance exam.
 - (e) An extension may be granted pending test results.
- (2) Requirements for nondegreed applicants.

- (a) NAD-III or SCPI: advanced certified.

1. A nondegreed applicant who is either NAD-III or SCPI: advanced certified and who interprets in both the community and a P-12 educational setting is entitled to a maximum of three (3) extensions:

2. To obtain the first extension, an applicant shall submit, on or before July 1, proof of:

- a. Valid NAD-III certification; or
- b. Having passed the NIC or RID written exam.

3. To obtain a second extension, an applicant shall submit, on or before July 1, proof of:

- a. Certification of NAD-III or SCPI: advanced; and
- b. Having taken either the RID or NIC performance exam.

4. To obtain a third and final extension, an applicant shall submit, on or before July 1, proof of:

- a. NAD-III certification; or
- b. SCPI: advanced certification.

(b) Nondegreed applicants who are not NAD-III certified and work in a P-12 educational setting.

1. In order to obtain a first extension, an applicant shall submit, on or before July 1, proof of:

- a. An EIPA score of three and five tenths (3.5) or higher;
- b. An ESSE: I score of four and zero tenths (4.0) or higher and an ESSE: R score of four and zero tenths (4.0) or higher;
- c. SCPI: advanced certification; or
- d. Test results of either the RID written exam or the NIC written exam.

2. In order to obtain a second extension, an applicant shall submit, on or before July 1, proof that the applicant has taken and passed the RID written exam or the NIC written exam.

3. In order to obtain a third and final extension, an applicant shall submit, on or before July 1, proof of having taken either the RID performance exam or the NIC performance exam.

(c) Deaf applicants interpreting in the community and a P-12 educational setting.

1. In order to obtain a first extension, a deaf applicant shall submit, on or before July 1, a copy of the test results of the CDI written exam.

2. In order to obtain a second extension, a deaf applicant shall submit, on or before July 1 of the fifth year following the first extension, proof of having passed the CDI written exam.

3. In order to obtain a third and final extension, a deaf applicant shall submit, on or before July 1 of the fifth year following the second extension, proof of having taken the CDI performance exam.

Section 6. To request an extension of a temporary license a licensee shall submit to the board:

- (1) A completed "Temporary License Extension Application" Form;
- (2) A report from a supervisor describing the progress achieved by the person who was supervised and a recommendation from the supervisor as to whether the license should be extended;
- (3) Proof of completion of the continuing education requirements as set forth in 201 KAR 39:090;
- (4) An explanation of the need for the extension request; and
- (5) The fee set forth in 201 KAR 39:040, Section 4(2).]

Section 5[7]. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "License Renewal Application [2004]", 2011 form;
- (b) "License Reinstatement Application [2004]", 2011 form; and
- (c) "Temporary License Extension Application[Temporary License Extension, 2004]", 2011 form.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing,

VOLUME 38, NUMBER 11 – MAY 1, 2012

PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296
ex. 222, fax (502) 696-1923.

GENERAL GOVERNMENT CABINET Kentucky Board of Interpreters for the Deaf and Hard of Hearing (As Amended at ARRS, April 11, 2012)

201 KAR 39:060. Reinstatement of license subject to disciplinary action.

RELATES TO: KRS Chapter 13B, 309.318
STATUTORY AUTHORITY: KRS 309.304(3), 309.314
NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) requires the Board of Interpreters for the Deaf and Hard of Hearing to promulgate administrative regulations to carry the provisions of KRS 309.300 to 309.3189. KRS 309.314 requires the board to promulgate administrative regulations concerning reinstatement and renewal fees, as well as evidence of completion of continuing education. ~~309.318 authorizes the board to discipline a licensee for violation of the statutes and administrative regulations governing the practice of interpreting. KRS 309.318(5) permits a person whose license has been revoked to apply for reinstatement after five (5) years.] This administrative regulation establishes the requirements for reinstatement of a license that has been the subject of disciplinary action by the board.~~

~~Section 1.[Definition. "A license voluntarily surrendered as if revoked" means the process by which a person who holds a license issued by the board, knowingly and willingly, returns the license to the board, forfeiting all rights and privileges associated with that license, in settlement of a disciplinary action initiated by the board.~~

~~Section 2.] Reinstatement of a License Revoked by Disciplinary Action of the Board. (1) If a license has been revoked, an individual may apply for reinstatement by:~~

~~(a) Submitting a completed "License Reinstatement Application" Form;~~

~~(b) Paying the initial licensure fee as set forth in 201 KAR 39:040[, Section 2] and the reinstatement fee as set forth in 201 KAR 39:040[, Section 5];~~

~~(c) Submitting proof of qualification for licensure as set forth in 201 KAR 39:030[, Sections 3 and 4]; and~~

~~(d) Show evidence of completion of fifteen (15) hours of continuing education for each year since the date of revocation in accordance with the requirements established in 201 KAR 39:090[, Section 4(4)].~~

~~(2)(a) The board shall review the reinstatement request and determine whether to reinstate the license, based on the provisions of this subsection.~~

~~(b) Based upon the information submitted, the board shall determine if the conditions for reinstatement listed in KRS 309.318(5) have been met.~~

~~(c) If the board finds that the conditions for reinstatement have been met, it shall reinstate the license.~~

~~(d) If the board finds that the conditions for reinstatement have not been met, or the applicant failed to comply with the requirements of this administrative regulation, it shall refuse to reinstate the license. The applicant may then request, and the board shall grant, a hearing on the denial conducted pursuant to KRS Chapter 13B.~~

~~Section 2[3]. Reinstatement of a License which was Voluntarily Surrendered as if Revoked. (1) If a license has been voluntarily surrendered as if revoked, an individual may apply for reinstatement by:~~

~~(a) Meeting of all of the requirements of Section 1(1)[2(4)] of this administrative regulation; and~~

~~(b) Providing documentation of the successful completion of all requirements established in the agreed order that resulted in the voluntary surrender of the license as if revoked.~~

(2) For a request for reinstatement of a license voluntarily surrendered as if revoked, the board shall review the reinstatement request, make its determination, and provide for an appeal in accordance with Section 1(2)(a)[2(2)(a)] through (d) of this administrative regulation.

Section 3[4]. Incorporation by Reference. (1) "License Reinstatement Application" Form, 2011[2004], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Interpreters for the Deaf and Hard of Hearing, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday 8 a.m. to 4:30 p.m.

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

GENERAL GOVERNMENT CABINET Kentucky Board of Interpreters for the Deaf and Hard of Hearing (As Amended at ARRS, April 11, 2012)

201 KAR 39:070. Application and [;] qualifications[, and certification levels] for temporary licensure.

RELATES TO: KRS 309.312(1)(b), (3)

STATUTORY AUTHORITY: KRS 309.304(3), 309.312

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) and 309.312(1)(b) and (3) require the board to promulgate an administrative regulation establishing the requirements for an applicant for temporary licensure as an interpreter for the deaf and hard of hearing. This administrative regulation establishes the requirements regarding temporary licensure.

Section 1.[Definitions. (1) "Board-approved mentor" means a licensed interpreter:

~~(a) In this state or the resident of another state who can meet the requirements for licensure in this state as set forth in KRS Chapter 309 and the administrative regulations promulgated pursuant thereto;~~

~~(b) Who holds a valid certificate from the NAD Level IV or V, the RID, or the NAD-RID National Interpreter Certification (NIC) for a minimum of three (3) years prior to serving as a mentor; and~~

~~(c) Who has completed forty-five (45) hours of continuing education since obtaining certification.~~

~~(2) "NAD" means National Association for the Deaf.~~

~~(3) "RID" means Registry of the Interpreters for the Deaf.~~

~~(4) "SCPI" means Sign Communication Proficiency Interview.~~

Section 2-.] Application for Licensure. [(4-)] Each applicant shall submit:

(1)[(a)] A completed ["Application for Licensure"] Form;

(2)[(b)] The appropriate application and licensure fees as required by 201 KAR 39:040[, Sections 1(2) and 2(2)];

(3)[(c)] A ["Plan of Supervision for a Temporary Licensure"] from a board approved mentor;[and]

(4)[(d)] Proof documenting passage of the NIC or EIPA Knowledge Exam. If the interpreter is deaf or hard of hearing, eighteen (18) hours of continuing education focused on CDI preparation may be obtained in lieu of this requirement; and [Certification of competence from the NAD in Level III Generalist.]

(5)[(e)] Proof of achieving or holding one (1) of the following:

(a)[(1-)] Valid NAD Level III as a currently certified member; [or]

(b)[2-] SCPI Advanced or better; [or]

(c)[3-] SLPI Advanced or better; [or]

(d)[4-] ASLPI of three and one-half [a half] (3.5) or better; or

(e)[5-] EIPA of three (3.0) or Better.

Section 2. Temporary Licensure Duration. (1) ~~An individual~~ **[Individuals]** may hold temporary licensure for a maximum of five (5) consecutive licensure years from the date of initial issuance.

(2) ~~An individual~~ **[Individuals]** who ~~is~~ **[are]** deaf or hard of hearing may hold temporary licensure for a maximum of ten (10) consecutive licensure years from the date of initial issuance.

(3) Any reinstatement or extension of a temporary license ~~shall~~ **[must]** occur ~~during the period established in subsection (1) or (2) of this section~~ **[within the duration of the cap]**.

(2) A deaf or hard of hearing applicant shall submit:

(a) ~~SCPI: advanced plus certification or an American Sign Language Proficiency Interview (ASLPI) score of four (4) or better;~~

(b) ~~Certificate or proof of a minimum of eight (8) hours of RID-approved training on the role and function of the deaf interpreter; and~~

(c) ~~Certificate or proof of a minimum of eight (8) hours of RID-approved training on the NAD-RID code of professional conduct or RID code of ethics.~~

(3) ~~In lieu of the certification required in subsection (1)(d) of this section, an applicant working in a P-12 educational setting may submit proof of successful completion of the:~~

(a) ~~SCPI – intermediate plus level or above; or~~

(b) ~~Educational Interpreter Performance Assessment (EIPA) with a score of three and zero tenths (3.0) or above; or~~

(c) ~~Educational Sign Skills Evaluation: Interpreting (ESSE: I) with a score of 3.5 – 3.9 and Educational Sign Skills Evaluation: Receptive (ESSE: R) with a score of 3.5 – 3.9;~~

(d) ~~Eight (8) hours training on the role and function of an interpreter; and~~

(e) ~~Certificate or proof of a minimum of eight (8) hours of ethics-related training.~~

(4) ~~In lieu of the certification required in subsection (1)(d) of this section, an applicant working in a community setting shall submit proof of:~~

(a) ~~1. SCPI – advanced or above; or~~

2. ~~American Sign Language Proficiency Interview score of four and zero tenths (4.0) or better; and~~

(b) ~~Eight (8) hours of training on the role and function of an interpreter; and~~

(c) ~~Certificate or proof of a minimum of eight (8) hours of ethics-related training.]~~

Section 3. Supervision Requirements. (1) Each applicant for a temporary license shall be trained and supervised by a board approved mentor.

(2) During the period of training and supervision the mentor shall meet with each licensee on a quarterly basis. One (1) of these meetings shall be on a face-to-face basis with each person being mentored. The remaining meetings may be through the use of video or video conferencing or any other method outlined in the approved plan of supervision.

(3) A mentor shall contract with no more than twenty (20) temporary licensees during a calendar year.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) **"Application for Temporary License", 2001; and**

(b) **"Plan of Supervision for a Temporary Licensee", 2011 [2004].**

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

**GENERAL GOVERNMENT CABINET
Kentucky Board of Interpreters
for the Deaf and Hard of Hearing
(As Amended at ARRS, April 11, 2012)**

201 KAR 39:080. Reciprocity.

RELATES TO: KRS 309.304(1), 309.312(4)

STATUTORY AUTHORITY: KRS 309.304(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.312(4) requires the board to promulgate an administrative regulation governing the granting of a license through reciprocity. This administrative regulation establishes the requirements for licensure by reciprocity.

Section 1. An applicant for licensure by reciprocity shall:

(1) Hold a current, valid license in good standing to practice interpreting which has been granted by at least one (1) state, U.S. Territory, or the District of Columbia, or a Canadian province, which maintains an interpreter registration board;

(2) The standards or requirements for having granted that license shall meet or exceed the licensure requirements contained in KRS Chapter 309 and **201 KAR Chapter 39** ~~[the accompanying administrative regulations];~~

(3) Not have a report of disciplinary action pending in another state or province; and

(4) Submit the reciprocity fee as set forth in 201 KAR 39:040, Section 7].

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

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CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

**GENERAL GOVERNMENT CABINET
Kentucky Board of Interpreters
for the Deaf and Hard of Hearing
(As Amended at ARRS, April 11, 2012)**

201 KAR 39:100. Complaint procedure.

RELATES TO: KRS 309.304(7), 309.316, 309.318

STATUTORY AUTHORITY: KRS 309.304(3), 309.316(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.316(2) authorizes the board to establish procedures for receiving and investigating complaints. KRS 309.318 delineates the causes for which disciplinary action may be taken against a licensee. This administrative regulation establishes procedures for the filing, evaluation, and disposition of administrative complaints.

Section 1. ~~[Definitions. (1) "Case manager" means a member of the board appointed by the chair of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint.~~

(2) ~~"Chair" means the chair or vice-chair of the board.~~

(3) ~~"Charge" means a specific allegation contained in a formal complaint, as established in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS 309.300 to 309.319, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation.~~

(4) ~~"Complaint" means any written or videotaped allegation of misconduct by a licensed individual that might constitute a violation of KRS 309.300 to 309.319, the administrative regulations promulgated thereunder, or any state or federal statute regulating the practice of interpreting.~~

(5) ~~"Complaint screening committee" means a committee consisting of three (3) persons on the board appointed by the chairman of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint made up of board members, the executive director of the board, or~~

another staff member.

(6) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.

(7) "Informal proceedings" means the proceedings instituted at any stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.

(8) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General or the board. [Section 2.] Receipt of Complaints. (1) A complaint:

(a) May be submitted by an:

1. Individual;
2. Organization; or
3. Entity.

(b) Shall be:

1. In writing or contained on a videotape or digital media; and
2. Include[Contain] the signature or stated name, address, and telephone or videophone number of the person submitting the complaint; and

(c) May be filed by the board or board member based upon information in its possession.

(2) [A videotaped complaint shall be accompanied by a form provided by the board.]

(3) Upon receipt of the complaint a copy of the complaint shall be sent to the licensee named in the complaint along with a request for the licensee's response to the complaint. The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written, videotaped or other digital media response.

Section 2[3]. Initial Review. (1) After the receipt of a complaint and the expiration of the period for the licensee's response, the case manager or the complaint screening committee shall consider the complaint, the licensee's response, and any other relevant material available and make a recommendation to the board. The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the board determines before formal investigation that a complaint is without merit, it shall:

- (a) Dismiss the complaint; and
- (b) Notify the complainant and licensee of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, it shall:

- (a) Authorize an investigation into the matter; and
- (b) Order a report to be made to the case manager or the complaint screening committee at the earliest opportunity.

Section 3[4]. Results of Formal Investigation; Board Decision on Hearing. (1) Upon completion of the formal investigation, the investigator shall submit a written report to the case manager or the complaint screening committee of the facts regarding the complaint. The case manager or the complaint screening committee shall review the investigative report and make a recommendation to the board. The board shall determine whether there has been a prima facie violation of KRS 309.300 to 309.319 or the administrative regulations promulgated thereunder and if a formal complaint should be filed.

(2) If the board determines that a complaint does not warrant issuance of a formal complaint, it shall:

- (a) Dismiss the complaint; and
- (b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a violation has occurred but is not serious, the board may issue a written admonishment to the licensee in accordance with KRS 309.316(4).

(4) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the board attorney in conjunction with the case manager or the complaint screening committee shall prepare a formal complaint which states clearly the charge or charges to be considered at the hearing. The formal

complaint shall be reviewed by the board and, if approved, signed by the chairman and served upon the individual as required by KRS Chapter 13B.

(5) If the board determines that a person may be in violation of KRS 309.301(1), it shall:

(a) Order the individual to cease and desist from further violations of KRS 309.301(1);

(b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 309.301(1) with a request that appropriate action be taken under KRS 309.319; or

(c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 309.301(1) pursuant to KRS 309.304(7).

Section 4[5]. Settlement by Informal Proceedings. (1) The board through counsel and the case manager or the complaint screening committee may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chairman.

(3) The board may employ mediation as a method of resolving the matter informally.

Section 5[6]. Notice and Service of Process. A notice required by KRS 309.300 to 309.319 or this administrative regulation shall be issued pursuant to KRS Chapter 13B.

Section 6[7]. Notification. The board shall make public:

(1) Its final order in a disciplinary action under KRS 309.316(3) [with the exception of a written admonishment issued pursuant to Section 4(3) of this administrative regulation]; and

(2) An action to restrain or enjoin a violation of KRS 309.301(1).

Section 7[8]. Incorporation by Reference. (1) "Complaint Form," 2011[2004] is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

**GENERAL GOVERNMENT CABINET
Kentucky Board of Interpreters
for the Deaf and Hard of Hearing
(As Amended at ARRS, April 11, 2012)**

201 KAR 39:120. Code of ethics.

RELATES TO: KRS 309.304(3), 309.318(1)(e), (f)
STATUTORY AUTHORITY: KRS 309.304(3), 309.318(1)(f)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.318(1)(e) and (f) authorizes the board to take disciplinary action against a licensee who violates any state statute or administrative regulation governing the practice of interpreting or violates the code of ethics, known as the Professional Code of Conduct of the licensee[s] of the licensees' national certifying organization or organizations[organization(s)] of the national organization. This administrative regulation establishes the code of ethics in accordance with KRS 309.318(1)(f).

Section 1. A license shall abide by the following standards of professional and ethical conduct:

(1) A licensee shall keep all assignment-related information

strictly confidential. From the moment of accepting the assignment, the interpreter holds a trustworthy relationship with the consumer, in which the interpreter is bound to confidentiality.

(a) All information obtained from the interpreter service shall be considered confidential. This applies whether the interpreter accepts or declines the assignment.

(b) All information about a consumer that is received from other interpreters shall be considered confidential and shall be exchanged in a manner which protects both the consumer and the assignment.

(c) The interpreter shall comply with the requirements of KRS 620.030 by reporting to the proper authorities the dependency, neglect, or abuse of a child if the interpreter reasonably believes that the dependency, neglect, or abuse of a child is ongoing or has occurred.

(2) A licensee shall faithfully convey the content and spirit of the speaker using language most readily understood by the persons whom they serve. Every interpretation shall be faithful to the message of the source text. A faithful interpretation should not be confused with a literal interpretation. The fidelity of an interpretation includes an adaptation to make the form, the tone, and the deeper meaning of the source text felt in the target language and culture.

(3) A licensee shall possess the knowledge and skills to support accurate and appropriate interpretation. A licensee works in a variety of settings and with a wide range of consumers and therefore shall be adept at meeting the linguistic needs of consumers, the cultural dynamics of each situation, and the spirit and content of the discourse.

(4) A licensee shall not counsel, advise or interject personal opinions.

(a) An interpreter shall remain neutral, impartial, and objective. If the interpreter finds~~[Should the interpreter find]~~ himself or herself unable to put aside personal biases or reactions which threaten impartiality, the interpreter is under an obligation to examine options and take actions to remedy the situation.

(b) An interpreter shall refrain from altering a message for political, religious, moral, or philosophical reasons, or for any other biased or subjective considerations.

(c) The interpreter shall advise the consumer that he or she assumes a position of neutrality in the relationship between all parties during an interpreting assignment. The interpreter shall not become personally involved in regards to the issues or persons present at the interpreting assignment.

(5) A licensee shall accept assignments using discretion with regard to skill, setting, and the consumers involved.

(a) An interpreter shall recognize the need for a deaf interpreter and advocate his or her~~[their]~~ participation as part of the interpreting team. A deaf interpreter may be necessary if~~[when]~~ working with individuals who use regional sign dialects, nonstandard signs, foreign sign languages, and those with emerging language use.

(b) An interpreter shall generally refrain from providing services in situations where family members, personal or business associations may affect impartiality. In an emergency situation, an interpreter may provide services for family members, friends or business associates. In those situations, the interpreter shall guard against allowing his or her personal involvement to affect his or her ability to interpret impartially. If the interpreter finds that he or she can no longer be impartial, the interpreter shall inform the parties involved and may assist in finding another interpreter.

(6) Prior to accepting an engagement for services, a licensee shall advise the party responsible for payment of the services to be provided of the amount of compensation to be charged for the services.

(7) A licensee shall not advertise his or her services in a false, deceptive or misleading manner.

(8) A licensee shall function in a manner appropriate to the situation. An interpreter shall attempt to become familiar with the anticipated discussion topic, type of activity, level of formality, expected behaviors, and possible presentational materials prior to commencement of the assignment.

(9) Each licensee shall strictly adhere to the parameters set forth by RID specific to the certification or certifications awarded which address appropriate conduct for a particular situation and

setting.

Section 2. In addition to the standards delineated in Section 1 of this administrative regulation, a licensee shall abide by the code of ethics or code of professional conduct for his or her respective certification or certifications~~[their respective certification(s)]~~.

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

GENERAL GOVERNMENT CABINET
Kentucky Board of Licensure for Massage Therapy
(As Amended at ARRS, April 11, 2012)

201 KAR 42:040. Renewal.

RELATES TO: KRS 309.357(3), (4), (5), (6), 309.361, 309.362

STATUTORY AUTHORITY: KRS 309.355~~[-]~~(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 to 309.364. KRS 309.357(3) requires all licenses to be renewed. This administrative regulation establishes the requirements for renewal of licenses.

Section 1. A license to practice massage therapy shall be renewed upon:

(1) Payment of the biennial renewal fee as established in 201 KAR 42:020, Section 2(2) on or before the anniversary date of issue of license; and

(2) Submission to the board of the Application for Renewal form and the following written information:

(a) Current complete home address and telephone number;

(b) Current complete name, address, and telephone number of each location in which massage therapy service is provided;

(c) A list indicating~~[of]~~ completion of the continuing education units taken during the licensure renewal period as required by 201 KAR 42:110. The list shall:

1. Itemize the number of clock hours credited for each course; and

2. Designate the courses that fulfill the three (3) required hours of ethics training; and

(d) Confirmation that, since the license was issued or renewed, the licensee has not:

1. Been convicted of a felony;~~[and]~~

2. Had his or her license disciplined and is not currently under disciplinary review in another state; or

3. Defaulted on the repayment obligation of financial aid programs administered by the Kentucky Higher Education Assistance Authority (KHEAA) per KRS 164.772.

Section 2. A licensee convicted of a felony or disciplined in the interim period between issuance and renewal of the license, or between renewal periods, shall submit notice of the conviction or discipline to the board within sixty (60) days of the discipline or conviction.

Section 3. If payment and complete information are not received by the board on or before the anniversary date of the issuance of the license, the license shall expire and the person shall not practice nor represent themselves as a massage therapist in Kentucky.

Section 4. An expired license shall be renewed within ninety (90) days of expiration if the applicant submits:

(1) A completed Application for Renewal form;

(2) Documentation of successful completion of twenty-four (24) hours of continuing professional education, which:

- (a) Includes studies in ethics, business practices, science, and techniques related to massage therapy;
- (b) Have been credited within two (2) years prior to the renewal deadline; and
- (c) Have not been previously used within the same renewal period to satisfy Kentucky license renewal requirements; and
- (3) The appropriate fee for renewal, as required by 201 KAR 42:020, Section 2(2)(b), (c), or (d), or subsection (d)], (5), or (6).

Section 5. (1) Upon initial licensing, a licensee shall be furnished a wall certificate which shall be displayed at the primary massage therapy service location. (1) Upon initial licensing, a licensee shall be furnished:

- (a) A billfold license identification card; and
- (b) A wall certificate to be displayed at the primary massage therapy service location.

(2) Upon each subsequent renewal, a licensee shall be furnished a billfold license identification card.

(2) A licensee shall provide verification of current licensure upon request if he or she is currently engaged in the practice of massage therapy, intends to engage within a reasonable time in the practice of massage therapy, or has engaged in the practice of massage therapy immediately prior to the request.

(3) Official verification of licensure status shall be available on the board's Web site.

Section 6. Reactivation Requirement for Inactive Status Massage Therapist. (1)(a) Before the expiration of five (5) years of inactive status, a licensee requesting to return to active status shall:

- 1. Provide proof to the board of continuing education required by KRS 309.362(3);
- 2. Complete the Application for Renewal; and
- 3. Pay the fee prescribed by 201 KAR 42:020, Section 2(7).
- (b) The continuing education hours provided pursuant to paragraph (a)1 of this subsection may be used for the next regular renewal period.

(2) After more than five (5) years of inactive status, a person requesting to return to active status shall reapply as required by KRS 309.362(3).

Section 7. Incorporation by Reference. (1) "Application for Renewal", September 2010, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40602, (502) 564-3296, Monday through Friday, 8 a.m. to 4:30 p.m.

CHERYL A. TURNER, Board Chair

APPROVED BY AGENCY: January 30, 2012

FILED WITH LRC: February 13, 2012 at 11 a.m.

CONTACT PERSON: Carolyn Benedict, Board Administrator, Kentucky Board of Licensure for Massage Therapy, PO Box 1370, Frankfort, Kentucky 40602.

GENERAL GOVERNMENT CABINET
Kentucky Board of Prosthetics, Orthotics, and Pedorthics
(As Amended at ARRS, April 11, 2012)

201 KAR 44:060. Continuing education requirements and procedures.

RELATES TO: KRS 12.355, 12.357, 319B.010(13), (18), (22), 319B.030(1)(g), (2), 319B.120(1), (2), 319B.140(1)(d) [319B.030(1)(g) and (2), KRS 319B.120(1)-(2)]

STATUTORY AUTHORITY: KRS 319B.030(1)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319B.030(1)(g) requires [authorizes] the board to promulgate administrative regulations establishing the continuing education requirements for licensees, which shall include the frequency of reporting, number of hours, types of courses, methods of proving compliance, penalties for violation, and all fees necessary for im-

plementing the continuing education process. This administrative regulation establishes continuing education requirements and procedures.

Section 1. Definitions. (1) "Contact hour" means an approved credit earned based on sixty (60) minutes of participation in a prosthetics, orthotics, or pedorthics-related activity.

(2) "Continuing education" means a planned learning experience relating to the scope of prosthetics, orthotics, or pedorthics practice as defined by KRS 319B.010(13), (18), and (22)(24) and if the subject is intervention, examination, research, documentation, education, or management of health care delivery systems.

(3) "Jurisprudence Examination" means an open book tutorial provided by the board on KRS Chapter 319B and 201 KAR Chapter 44 [current prosthetics, orthotics, and pedorthics statutes and administrative regulations].

Section 2. (1) A licensee applying for renewal shall have completed the continuing education requirements established in subsections (2) and (3) of this section during the preceding renewal period. Continuing education shall be based on contact hours awarded.

(a) For a licensed prosthetist, the board shall require ten (10) contact hours as a condition of licensure renewal. These hours shall be obtained as follows:

- 1. One (1) hour shall be awarded for the successful completion of the Jurisprudence Examination per biennium;
- 2. At least seven (7) hours shall be earned from Category 1 as established [described] in subsection (2) of this section; and
- 3. No more than three (3) hours shall [may] be earned from Category 2 as established [described] in subsection (3) of this section.

(b) For a licensed orthotist, the board shall require ten (10) contact hours as a condition of renewal. These hours shall be obtained as follows:

- 1. One (1) hour shall be awarded for the successful completion of the Jurisprudence Examination per biennium;
- 2. At least seven (7) hours shall be earned from Category 1 as established [described] in subsection (2) of this section; and
- 3. No more than three (3) hours shall [may] be earned from Category 2 as established [described] in subsection (3) of this section.

(c) For a licensed prosthetist-orthotist, the board shall require fifteen (15) contact hours as a condition of renewal. These hours shall be obtained as follows:

- 1. One (1) hour shall be awarded for the successful completion of the Jurisprudence Examination per biennium;
- 2. At least twelve (12) hours shall be earned from Category 1 as established [described] in subsection (2) of this section; and
- 3. No more than three (3) hours shall [may] be earned from Category 2 as established [described] in subsection (3) of this section.

(d) For a licensed pedorthist, the board shall require eight (8) contact hours as a condition of licensure renewal. These hours shall be obtained as follows:

- 1. One (1) hour shall be awarded for the successful completion of the Jurisprudence Examination per biennium;
- 2. At least six (6) hours shall be earned from Category 1 as established [described] in subsection (2) of this section; and
- 3. No more than two (2) hours shall [may] be earned from Category 2 as established [described] in subsection (3) of this section.

(e) For a licensed fitter - orthotics, the board shall require seven (7) contact hours as a condition of licensure renewal. These hours shall be obtained as follows:

- 1. One (1) hour shall be awarded for the successful completion of the Jurisprudence Examination per biennium;
- 2. At least six (6) hours shall be earned from Category 1 as established [described] in subsection (2) of this section; and
- 3. No more than one (1) hour shall [may] be earned from Category 2 as established [described] in subsection (3) of this section.

(2) Category 1 continued competency shall be any of the following:

(a) Completion of courses, seminars, workshops, or symposia consisting of at least three (3) contact hours that have been approved by the board; ~~the board's designee; the Kentucky Orthotics Prosthetics Association; the American Board of Certification for Orthotics, Prosthetics, and Pedorthics, Inc.; the Board of Certification/Accreditation International; or any of their components;~~ or any other prosthetics, orthotics, or pedorthics licensing agency;

(b) Completion or auditing of an accredited postsecondary educational institution credit course in the field of orthotics, prosthetics, or pedorthotics. ~~Four (4) contact hours shall be awarded for each semester completed;~~ Fifteen (15) contact hours shall be awarded for each semester completed;

(c) Presentation of continuing education courses, workshops, seminars, or symposia that have been approved by the board or its designee;

(d) Authorship of a research article, manuscript, or scientific paper, published in the biennium and related to prosthetics, orthotics, or pedorthics. Four (4) contact hours shall be awarded with a maximum of two (2) events per year;

(e) A presented scientific poster or scientific platform presentation related to prosthetics, orthotics, or pedorthics. Three (3) contact hours shall be awarded per event with a maximum of two (2) events per year;

(f) Teaching part of a prosthetics, orthotics, or pedorthics credit course if that teaching is not the primary employment of the licensee. A maximum of two (2) contact hours per year shall be awarded;

(g) Completion of a clinical residency director or clinical fellowship program. Not more than five (5) contact hours shall be awarded per year, per resident with a maximum of ten (10) contact hours per year;

(h) Engaging in the practice of prosthetics, orthotics, or pedorthics as defined by KRS 319B.010(13), (18), and ~~(22)~~(24) at least 1,000 hours per biennium. One (1) contact hour shall be awarded per year;

(i) Engaging in the instruction in a Commission on Accreditation of Allied Health Education Programs-accredited program at least 1,000 hours per biennium. One (1) contact hour shall be awarded per year;

(k) Appointment to the Kentucky Board of Prosthetics, Orthotics, and Pedorthics. Two (2) contact hours shall be awarded per year;

(l) Election or appointment as an officer or committee chair to a position of the Kentucky Orthotics Prosthetics Association; ~~the American Board of Certification for Orthotics, Prosthetics, and Pedorthics, Inc.; or the Board of Certification/Accreditation International; as an officer or committee chair.~~ Two (2) contact hours shall be awarded per biennium; or

(m) Member of a committee or task force for one (1) of the organizations in paragraph (k) or (l) of this subsection. One (1) contact hour shall be awarded per year.

(3) Category 2 continuing education shall be any of the following:

(a) Self-instruction from reading professional literature or home study program. One half (1/2) contact hour shall be awarded per year;

(b) Clinical instructor for a Commission on Accreditation of Allied Health Education Programs-approved educational program. Continued competency shall be one (1) contact hour yearly per resident;

(c) Participation in a prosthetics, orthotics, or pedorthics in-service or study group consisting of two (2) or more licensees. A maximum of one (1) contact hour shall be awarded per year;

(d) Participation in community service related to health care. A maximum of one (1) contact hour of continued competency shall be awarded yearly; ~~or~~

(e) Member of the American Board of Certification for Orthotics Prosthetics and Pedorthics, Inc., or the Board of Certification/Accreditation International. One-half ~~one-half (1/2)~~ contact hour shall be awarded per year; or ~~or~~

(f) Member of the Kentucky Prosthetics and Orthotics Association. One ~~one~~ (1) contact hour shall be awarded per year.

(4) Documentation of compliance.

(a) Each licensee shall retain independently verifiable docu-

mentation of completion of all continuing education requirements of this administrative regulation for a period of at least three (3) years from the end of the license year; ~~;~~

(b) The licensee shall, within thirty (30) days of a written request from the board, provide evidence of continuing education activities to the board; ~~and~~

(c) A licensee who fails to provide evidence of the continuing education activities or who falsely certifies completion of continuing education activities shall be subject to disciplinary action pursuant to KRS 319B.140(1)(d) ~~and (e)~~.

(5) Exemption and extension.

(a) A licensee shall be granted a temporary hardship extension for an extension of time, not to exceed one (1) renewal cycle, if the licensee:

1. Files a completed Extension of Time for Completion of Continued Competency ~~Continuing Education~~ Form, including a plan describing how the required credits will be met; and

2. Submits documentation showing evidence of undue hardship by reason of the licensee's:

- a. Age;
- b. Disability;
- c. Medical condition;
- d. Financial condition; or
- e. Other clearly mitigating circumstance.

(b) A licensee shall be granted a temporary nonhardship extension of time if the licensee cannot show undue hardship and if the licensee:

1. Files a completed Extension of Time for Completion of Continued Competency ~~Continuing Education~~ Form, including a plan describing how the required credits will be met, by December 31 of the year in the renewal cycle for which the extension is sought;

2. Pays a fee of \$250;

3. Has not received a temporary nonhardship extension of time in the prior renewal cycle; and

4. Files proof of compliance with the continuing competency requirements by the following July 1.

(c) A licensee on active military duty or a spouse thereof shall be granted an exemption from continuing education requirements in accordance with KRS 12.355 or 12.357 ~~as mandated by KRS Chapter 12~~.

Section 3. Incorporation by Reference. (1) "Extension of Time for Completion of Continued Competency ~~Continuing Education~~ Form", December 2011, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable law, at the Kentucky Board of Prosthetics, Orthotics, and Pedorthics, Office of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 5:00 p.m.

SIENNA NEWMAN, Chair

APPROVED BY AGENCY: January 12, 2012

FILED WITH LRC: January 13, 2012 at 10 a.m.

CONTACT PERSON: Tony Crockett, Board Administrator, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40602, phone (502) 564-3296, fax (502) 564-4818.

GENERAL GOVERNMENT CABINET
Kentucky Board of Prosthetics, Orthotics, and Pedorthics
(As Amended at ARRS, April 11, 2012)

201 KAR 44:070. Complaint process and disciplinary action procedure.

RELATES TO: KRS 319B.040(2) - (5); ~~KRS~~ 319B.110; ~~KRS~~ 319B.140(1)-(3)

STATUTORY AUTHORITY: KRS 319B.030(1)(e), (h), 319B.040(2) - (5), 319B.110, 319B.140 ~~319B.040(2)-(5); KRS 319B.110; KRS 319B.140(1)-(3)~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319B.110 requires the board to prohibit ~~prohibits~~ unlicensed persons from engaging in the practice of Prosthetics, Orthotics, or

Pedorthics or using the title of, Licensed Prosthetist, Licensed Orthotist, Licensed Pedorthist, or Licensed Fitter-orthotics. ~~[KRS 319B.140(1)(a)-(e) sets forth the causes for which disciplinary action may be taken against a license holder.]~~ KRS 319B.140(3) ~~[(b)]~~ authorizes the board to seek injunctive relief to stop the unlawful practice of prosthetics, orthotics, or ~~and~~ pedorthics by unlicensed persons. ~~[KRS 319B.150(2) sets forth the criminal penalty for violations.]~~ This administrative regulation estab-
lishes provisions ~~[is established]~~ to protect and safeguard the health and safety of the citizens of Kentucky and to provide procedures for filing, evaluating, and disposing of complaints.

Section 1. Definitions. (1) "Act" means Chapter 319B of the Kentucky Revised Statutes.

(2) "Board" is defined by ~~in~~ KRS 319B.010(1) ~~[- and for purposes of this administrative regulation, shall also refer to a hearing panel].~~

(3) "Charge" means a specific allegation contained in a ~~any~~ document issued by the board or hearing panel alleging a violation of a specified provision of the KRS Chapter 319B or 201 KAR Chapter 44 ~~[the administrative regulations promulgated thereunder].~~

(4) "Complaint Committee" means the committee appointed pursuant to Section 2 of this administrative regulation.

(5) "Formal complaint" means a formal administrative pleading or notice of administrative hearing authorized by the board that sets forth charges against a licensed holder or applicant and commences a formal disciplinary proceeding in accordance with KRS Chapter 13B.

(6) "Initiating complaint" means an ~~any~~ allegation alleging misconduct by a licensee or applicant or alleging that an unlicensed person is engaging in the practice of prosthetics, orthotics, or pedorthics, or using the title prosthetist, orthotist, pedorthist, or orthotic fitter.

(7) "Order" means the whole or a ~~any~~ part of a final disposition of a hearing.

(8) ~~["Person" means any individual, partnership, corporation, association, or public or private organization of any character other than an agency.]~~

(9) "Presiding officer" means the person appointed by the board to preside at a hearing pursuant to KRS 319B.140(2) and ~~[KRS]Chapter 13B~~, and shall include either a hearing officer or a member of the hearing panel.

(9) ~~(10)~~ "Respondent" means the person against whom an initiating or a formal complaint has been made.

Section 2. Initiating Complaint. (1) Source of initiating complaint. An initiating complaint may be initiated by the board, by the public, or by a ~~any~~ governmental agency. A certified copy of a court record for a misdemeanor or felony conviction shall be considered a valid initiating complaint.

(2) Form of initiating complaint. Initiating complaints shall:

- (a) Be in writing;
- (b) Clearly identify the person against whom the initiating complaint is being made;
- (c) Contain the date;
- (d) Identify by signature the person making the initiating complaint; and ~~and;~~
- (e) Contain a clear and concise statement of the facts giving rise to the initiating complaint.

(3) Receipt of initiating complaint. An initiating complaint may be received by:

- (a) A ~~Any~~ board member;
- (b) The Office of the Attorney General; or ~~or;~~
- (c) A ~~Any~~ staff member of the board.

(4) Reply of respondent. A copy of the initiating complaint shall be mailed to the respondent. The respondent shall file with the board a written response to the initiating complaint:

- (a) Within fifteen (15) days of the date on which the initiating complaint was mailed; or ~~or;~~
- (b) Within thirty (30) days upon written request of the respondent documenting good cause for an extension of time to respond.

(5) Complaint Committee.

(a) The Complaint Committee shall consist of no more than two (2) board members appointed by the chair of the board to:

1. Review initiating complaints, responses, and investigative reports;
2. Participate in informal proceedings to resolve formal complaints; and
3. Make recommendations for disposition of initiating complaints and formal complaints to the full board.

(b) The Complaint Committee may be assisted by the board staff and counsel to the board.

(6) Consideration of initiating complaint. At the next regularly-scheduled meeting of the board or as soon thereafter as practicable, the board or the complaint committee shall review the initiating complaint and response. The board shall determine if an investigation is warranted, and if so, the board shall appoint an ~~may appoint any~~ agent or representative of the board to conduct an investigation of the initiating complaint.

(7) Order for status examination.

(a) If there is reasonable cause to believe that a licensee or applicant for a license may be physically or mentally impaired, and may not be able to practice with reasonable skill and safety to the public, the board shall ~~may~~ order the licensee or applicant ~~[-;]~~ to submit to an examination by a psychologist or a physician designated and paid by the board in order ~~[- and; 2.]~~ to determine the licensee's or applicant's mental or physical health to practice prosthetics, orthotics, or pedorthics.

(b) The board shall then consider the findings and conclusion of the examination and the final investigative report, if any, at the board's ~~its~~ next regularly-scheduled meeting or soon thereafter.

(8) Investigation.

(a) The person about whom the initiating complaint has been considered shall be contacted. With the consent of the respondent, a meeting may be scheduled at which time the person about whom the initiating complaint has been made ~~he or she~~ may respond further to the allegations of the initiating complaint. The board and the respondent shall have the right to be represented at the meeting by legal counsel.

(b) Report of investigation. Upon the completion of the investigation, the person or persons making that investigation shall submit a written report to the board containing a succinct statement of the facts disclosed by the investigation.

(c) Consideration of complaint and investigative report. Based on consideration of the complaint; ~~[-]~~ the investigative report, if any; ~~[-]~~ and the psychological or physical examination, if any, the board shall determine if there has been a prima facie violation of the Act.

1. If it is determined that the facts alleged in the initiating complaint or investigative report do not constitute a prima facie violation of KRS Chapter 319B or 201 KAR Chapter 44 ~~[the statute or administrative regulations]~~, the board shall notify the person making the initiating complaint and the respondent that no further action shall be taken at the present time.

2.a. If it is determined that there is a prima facie violation of KRS Chapter 319B or 201 KAR Chapter 44 ~~[319B.140 or administrative regulations]~~, the board shall issue a formal complaint against the licensee or applicant.

b. In the case of a prima facie violation of KRS 319B.110 and the respondent is not a licensee or an applicant, the board shall:

- (i) ~~[-]~~ Issue a cease and desist order;
- (ii) ~~[-]~~ File suit to enjoin the violator pursuant to KRS 319B.040(3); and
- (iii) ~~[- or; 3.]~~ Seek criminal prosecution pursuant to KRS 319B.150.

Section 3. Formal Complaint. If the board votes to file a formal complaint, a notice of administrative hearing shall be filed as required by KRS 13B.050 ~~[(1) and (3)].~~

Section 4. Formal Response. (1) Within twenty (20) days of service of the notice of administrative hearing, the respondent shall file with the board a written response to the specific allegations set forth in the notice of administrative hearing.

(2) Allegations not properly responded to shall be deemed admitted.

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(3) The board shall, if there is~~[may, for]~~ good cause, permit the late filing of a response.

Section 5. Composition of the Hearing Panel. (1) Disciplinary actions shall be heard by a hearing officer and:

- (a) The full board or a quorum of the board;
- (b) A hearing panel consisting of at least one (1) board member appointed by the board; or~~[or,]~~
- (c) The hearing officer alone in accordance with~~[under the provisions of]~~ KRS 13B.030(1).

Section 6. Administrative Disciplinary Fine. If the board finds against the respondent on a~~[any]~~ charge, an administrative disciplinary fine in accordance with KRS 319B.040(5)~~[an amount not to exceed \$10,000 per violation]~~ shall be assessed against the respondent.

Section 7. Notification of Action Taken. ~~[(1)]~~The board shall make public:

- ~~(1)~~(a) Its final order in a~~[any]~~ disciplinary action; and
- (2) Action, if any,~~(b) Any action]~~ taken pursuant to Section 2(8)(c)2.b.(i) – (iii) of this administrative regulation~~2(8)(c)(i-iii)]~~.

SIENNA NEWMAN, Chair

APPROVED BY AGENCY: January 12, 2012

FILED WITH LRC: January 13, 2012 at 10 a.m.

CONTACT PERSON: Tony Crockett, Board Administrator, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40602, phone (502) 564-3296, fax (502) 564-4818.

GENERAL GOVERNMENT CABINET Kentucky Board of Prosthetics, Orthotics, and Pedorthotics (As Amended at ARRS, April 11, 2012)

201 KAR 44:080. Renewals.

RELATES TO: KRS 319B.120~~[(1)-(3)]~~

STATUTORY AUTHORITY: KRS 319B.030(1)(a), (b), (e), 319B.120[(1)-(3)]

NECESSITY, FUNCTION, AND CONFORMITY: ~~[KRS 319B.120(1)-(3) establish conditions for the renewal of licenses and reinstatement of expired licenses.]~~KRS 319B.120 authorize~~es~~s~~[(1)-(3) authorize]~~ the board to promulgate administrative regulations required to establish conditions for~~[set forth]~~ the renewal and reinstatement of licenses. This administrative regulation establishes procedures for the renewal of licenses.

Section 1. Renewal. (1) A Licensed Prosthetist, Licensed Orthotist, Licensed Pedorthist, or Licensed Fitter-orthotics shall annually, on or before June 30:

- (a) File a completed Application for Renewal~~[renewal application]~~;
- (b) Submit proof of completion of continuing education established by 201 KAR 44:060; and~~[and,]~~
- (c) Pay to the board the renewal fee established by 201 KAR 44:010~~[44:030]~~.

Section 2. Grace Period. ~~[(1)]~~A six (6) month grace period shall apply beginning July 1, during which a Licensed Prosthetist, Licensed Orthotist, Licensed Pedorthist, or Licensed Fitter-orthotics may:

- (1)~~[(a)]~~ Continue to practice during the six (6) month grace period; and
- (2)~~[(and; (b))]~~ Renew his or her license upon payment of the initial license fee and the late renewal fee; and
- (3)~~[(established in 201 KAR 44:010; and;~~
- (c)] Complete the requirements of Section 1(1)(a) and (b) of this administrative regulation.

Section 3. Expiration of License. (1) A license that is not renewed before December 31 shall be expired for failure to renew.

- (2) Upon expiration for failure to renew, the Licensed

Prosthetist, Licensed Orthotist, Licensed Pedorthist, or Licensed Fitter-orthotics shall not practice prosthetics, orthotics, or pedorthics in the Commonwealth of Kentucky.

(3) The board shall:

- (a)~~[(1)-(4)]~~ Notify in writing the Licensed Prosthetist, Licensed Orthotist, Licensed Pedorthist, or Licensed Fitter-orthotics at the last known address of record of the expiration for failure to renew; and
- (b)~~[(and; 2.)]~~ Instruct in writing the person whose license has expired to cease and desist practice.

Section 4. Reinstatement. ~~[(1)]~~After January 1, a person whose license has expired for failure to renew, shall~~[may]~~ have his or her license reinstated upon:

- (1)~~[(a)]~~ Payment of the initial license fee and the reinstatement fee;
- (2)~~[(as provided by 201 KAR 44:010;~~
- (b)] Completion of the Application for Reinstatement;
- (3)~~[(and (c)]~~ Documentation of employment from the time of expiration of employment until the present; and
- (4)~~[(and; (d)]~~ Completion of the current requirements for licensure established in this administrative regulation.

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

- (a) "Application for Renewal", 4/2012; and
- (b) "Application for Reinstatement", 4/2012; ~~[Renewal Application for Licensed Prosthetist, Licensed Orthotist, Licensed Pedorthist or Licensed Fitter-orthotics (December 2011 edition);~~
- ~~(b) Reinstatement Application for Registration as Licensed Prosthetist, Licensed Orthotist, Licensed Pedorthist or Licensed Fitter-orthotics (December 2011 edition).]~~
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Prosthetics, Orthotics, Pedorthics, 911 Leawood Drive, Frankfort, Kentucky 40601, (502) 564-3296, Monday through Friday, 8 a.m. to 4:30 p.m.

SIENNA NEWMAN, Chair

APPROVED BY AGENCY: January 12, 2012

FILED WITH LRC: January 13, 2012 at 10 a.m.

CONTACT PERSON: Tony Crockett, Board Administrator, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40602, phone (502) 564-3296, fax (502) 564-4818.

TOURISM, ARTS AND HERITAGE CABINET Kentucky Department of Fish and Wildlife Resources (As Amended at ARRS, April 11, 2012)

301 KAR 1:058. Methods for taking turtles.

RELATES TO: KRS 150.010, ~~[150.025(1);]~~ 150.400

STATUTORY AUTHORITY: KRS 150.025(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, to regulate any method of taking, and to make such requirements apply to a limited area. This administrative regulation establishes the species of turtles which may be taken, and the legal methods to take turtles.

Section 1. Definition~~[Definitions]~~. "Turtle" means a:

- (1)~~[(a)]~~ Common snapping turtle (*Chelydra serpentina*);
- (2)~~[(b)]~~ Smooth softshell turtle (*Apalone mutica*); or
- (3)~~[(c)]~~ Spiny softshell turtle (*Apalone spinifera*)~~[a snapping turtle (Chelydra serpentina), but not an alligator snapping turtle (Macroclémys temminckii)].~~

Section 2. Turtle Season and Methods of Taking. (1) Turtle season shall be open year-round.

- (2) Turtles may be taken day or night.
- (3) Unless exempt from license requirements by KRS

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150.170(2), (3), (4), or (6), a person who takes a turtle shall possess a valid:

(a) Hunting license if using:

1. A gun; or

2. Bow and arrow;

(b) Sport fishing license if:

1. Using a hook and line in hand;

2. Using a fishing rod or fishing pole in hand;

3. Jugging;

4. Using a setline;

5. Using a sport fishing trot line;

6. Grabbing by hand;

7. Grabbing with a handled hook;

8. Giggling;

9. Snagging; or

10. Using a turtle trap as specified in subsections (4), (5), and

(6) of this section.

(4) A turtle trap shall:

(a) Be a barrel or drum with a tilting board trigger; or

(b) Be a floating log raft with an enclosed twine or wire mesh bag.^[1]

(5) Turtle traps shall not be constructed or set so that other animals may reasonably be expected to be caught.

(6) A person setting a turtle trap shall:

(a) Inspect the trap daily;

(b) Remove turtles from the trap, except that one (1) decoy turtle may remain in the trap; and

(c) ~~[(b)]~~ Release unharmed any species other than a turtle.

(7) A person shall not use commercial fishing gear to take turtles, pursuant to 301 KAR 1:146.

(8) A person shall not take turtles for commercial purposes. [NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish the methods and devices for taking wildlife, the buying and selling of wildlife and the places where taking is allowed. This administrative regulation establishes the species of turtles which may be taken, the methods which shall be used to take turtles, the waters in which certain methods shall not be used, and the requirements for selling turtles.]

Section 1. Definitions. "Turtle" means a:

(1) Snapping turtle (*Chelydra serpentina*), except the alligator snapping turtle (*Macrochelys temminckii*);

(2) Smooth softshell turtle (*Apalone mutica*); and

(3) Spiny softshell turtle (*Apalone spinifera*).

Section 2. Turtle Season and Methods of Taking. (1) Turtle season shall be open year-round.

(2) Turtles may be taken day or night, year-round, in all lakes and streams, except turtles shall not be taken in:

(a) The Cumberland River below Wolf Creek Dam downstream to the Tennessee line; (b) The tributaries of the Cumberland River below Wolf Creek Dam downstream to the Tennessee line for a distance of one-half (1/2) mile above its junction with the Cumberland River;

(c) The Cumberland River below Barkley Dam downstream to the US 62 bridge;

(d) The Middle Fork of the Kentucky River from Buckhorn Lake Dam downstream to the Breathitt County line in Perry County;

(e) The Rough River below Rough River Lake Dam downstream to Highway 54 bridge in Breckinridge and Grayson Counties;

(f) Streams stocked with trout as defined in the Kentucky Trout Waters section of the annual Sport Fishing and Boating Guide; or

(g) Within 200 yards of any dam on any stream.

(3) Unless exempt from license requirements by KRS 150.170(2) or (3), a person who takes a turtle shall have in his possession a valid:

(a) Hunting license if he uses:

1. A gun; or

2. Bow and arrow;

(b) Sport fishing license if he uses:

1. Hook and line in hand;

2. Fishing rod or fishing pole in hand;

3. Jugging;

4. Setline;

5. Sport fishing trot line;

6. Grabbing by hand;

7. Grabbing with a handled hook;

8. Giggling;

9. Snagging; or

10. Turtle traps as specified in subsections (4), (5) and (6) of this section.

(4) A turtle trap shall:

(a) Be a barrel or drum with a tilting board trigger; or

(b) Be a floating log raft with an enclosed twine or wire mesh bag;

(5) Turtle traps shall not be constructed or set so that other animals may reasonably be expected to be caught.

(6) A person setting a turtle trap shall:

(a) Inspect the trap daily;

(b) Remove turtles from the trap, except that one (1) decoy turtle may remain in the trap; and

(c) Release unharmed a species except a turtle caught in the trap.

(7) A person who sells turtles shall possess a commercial fishing license.

(8) No commercial gear as defined in 301 KAR 1:146 shall be used to take turtles.

Section 3. Incorporation by Reference. (1) The "Sport Fishing and Boating Guide (2004 ed.*)" is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. and 4:30 p.m.]

BENJY KINMAN, Deputy Commissioner

For DR. JONATHAN GASSETT, Commissioner

MARCHETA SPARROW, Secretary

APPROVED BY AGENCY: February 8, 2012

FILED WITH LRC: February 10, 2012 at noon

CONTACT PERSON: Rose Mack, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-7109, ext. 4507, fax (502) 564-9136, email fwpubliccomments@ky.gov

PUBLIC PROTECTION CABINET Department of Insurance Consumer Protection Division (AS Amended at ARRS, April 11, 2012)

806 KAR 2:095. Accounting and reporting requirements for collecting local government premium tax.

RELATES TO: KRS 91A.080, 304.4-010

STATUTORY AUTHORITY: KRS [Chapter 13A,] 91A.080, 304.2-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes[provides that] the Commissioner[Executive Director] of Insurance to[may] make reasonable rules and administrative regulations necessary for and as an aid to the effectuation of any provision of the Kentucky Insurance Code, as defined in KRS 304.1-010. KRS 91A.080 requires[authorizes] the Commissioner[Executive Director] of Insurance to adopt administrative regulations for the collection and reporting of local government premium taxes. This administrative regulation establishes requirements[provides] for the accounting and reporting procedures to be used [by every insurance company or its agent, to which this administrative regulation applies,] for the collection and reporting of a local government premium tax[the fees or taxes and the collection fee herein provided by ordinance of a city, county, or urban county government for engaging in the business of insurance therein.]

Section 1. Definitions. (1) "Agent" is defined by[in] KRS 304.9-020(1).

(2) "Commissioner" is defined by~~[in]~~ KRS 304.1-050(1) ["Executive Director" means the Commissioner of the Kentucky Office of Insurance].

(3) "Insurance company" means:

(a) An entity holding a certificate of authority in accordance with KRS Chapter 304, Subtitle 3; and

(b) A surplus lines broker licensed in accordance with KRS 304.10-120.

(4) "Local government" is defined by~~[in]~~ KRS 91A.0802(1).

(5)(2) "Local government premium tax [Local government premium taxes]" means a tax or license fee~~[taxes]~~ levied pursuant to KRS 91A.080.(3) "Premiums actually collected within a calendar quarter" means premiums which have been received at an insurer's home, administrative, or regional offices within a calendar quarter. Agency contracts which allow agents a period of time in which to forward premium payments to insurers shall not allow an unreasonably long period of time. An agency contract which allows an agent more than ninety (90) days to forward premium payments to an insurer is presumed to allow an unreasonably long period of time. This presumption may be rebutted by appropriate evidence.]

Section 2. Quarterly Payment and Reporting of Local Government Premium Taxes. (1) Each insurance company~~[insurer]~~ with local government premium tax liability shall make payment of its tax liability based on premiums actually collected within a calendar quarter. Payment shall be made to each local government within thirty (30) days of the end of each calendar quarter, and shall be accompanied by a report in the following format:~~[Insurers shall make their returns on forms]~~

(a) 1. Form LGT-141, "City, County or Urban County Government Quarterly Insurance Premium Tax Return"; and

2. Form LGT 142, "City Credit Against County Taxes"; or ~~[prescribed by the executive director (or forms)]~~

(b) A form substantially similar to Form LGT-141~~[:]~~~~[these prescribed by the executive director] or on forms prescribed by cities, counties, or urban county governments].~~

(2) A copy of the report required in subsection (1) of this section ~~[Copies of these forms]~~ shall not be filed with the commissioner~~[executive director unless the executive director directs that returns be filed with the executive director]~~.

Section 3. Annual Reports. (1) By March 31 of each year, an insurance company~~[insurers]~~ shall:

(a) Furnish~~[furnish]~~ each local government~~[city, county, and urban county government]~~ to which local government premium taxes have been paid during the preceding calendar year a report on the local government premium taxes paid during the preceding calendar year in the following format:~~[A copy of this report shall be filed with the executive director accompanied by a fee of five (5) dollars per insurer.]~~

1. a. Form LGT-140, "City, County or Urban County Government Insurance Premium Tax Annual Reconciliation"; and

b. Form LGT 142, "City Credit Against County Taxes"; or

2. A form substantially similar to Form LGT-140; and~~[these prescribed by the executive director] or on forms prescribed by cities, counties, or urban county governments.]~~

(b) Submit to the department a report on the local government premium taxes paid during the preceding calendar year, accompanied by a fee of five (5) dollars per insurance company, through:

1. The Department of Insurance Web site, <https://insurance.ky.gov/kentucky/secured/Eservices/default.aspx>; or

2. File Transfer Protocol through prior arrangement with the Department of Insurance.

(2)(a) If an insurance company does not have any local government premium tax liability for the preceding calendar year, the insurance company shall submit a report to the department in accordance with subsection (1)(b) of this section.

(b) The reports required by paragraph (a) of this subsection ~~[subsection (2)(a) of this section]~~ shall be required if the insurance company held an active license or certificate of authority at any time during the preceding calendar year. ~~[The reports required by this section shall be filed with cities, counties, and urban county governments and with the executive director by March 31st of each~~

year following the calendar year to which the reports apply.

(3) The reports required by this section shall be on a form prescribed by the executive director (or on a form substantially similar to that prescribed by the executive director).

(4) The form prescribed by the executive director shall contain the following information:

(a) An itemization of all premiums collected for which a local government premium tax is payable together with the amount of such tax collected and paid to each city, county, or urban county government for the following kinds of insurance:

1. Casualty;
2. Fire and allied perils;
3. Health;
4. Inland marine;
5. Life;
6. Motor vehicle; and
7. Such other kinds of insurance as the executive director may designate.

(b) Such other information as the executive director may designate.]

Section 4. Each insurance company~~[insurer]~~ shall maintain records adequate to support the reports required by this administrative regulation. ~~[This section applies to insurance agents and surplus lines brokers to the extent they are responsible for collecting and paying local government premium taxes imposed pursuant to KRS 91A.080.]~~

Section 5. Each insurance company shall~~[insurer must]~~ file the reports required by this administrative regulation. Reports required by this administrative regulation~~[Data]~~ filed on a group basis shall not be acceptable~~[is unacceptable]~~.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Form LGT-140, "City, County, or Urban County Government Insurance Premium Tax Annual Reconciliation" (1/2012);

(b) Form LGT-141, "City, County, or Urban County Government Quarterly Insurance Premium Tax Return" (1/2012); and

(c) Form LGT-142 "City Credit Against County Taxes" (1/2012).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Insurance, 215 West Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the department's website at: <http://insurance.ky.gov/>.

SHARON P. CLARK, Commissioner

ROBERT D. VANCE, Secretary

APPROVED BY AGENCY: January 9, 2012

FILED WITH LRC: January 10, 2012 at 3 p.m.

CONTACT PERSON: DJ Wasson, Staff Assistant, Kentucky Department of Insurance, P. O. Box 517, Frankfort, Kentucky 40602, phone (502) 564-0888, fax (502) 564-1453.

PUBLIC PROTECTION CABINET
Department of Financial Institutions
Securities Division
(As Amended at ARRS, April 11, 2012)

808 KAR 10:400. Examination fees and criteria.

RELATES TO: KRS 292.336(4)~~[KRS 292.330(12)(d)]~~, 15 U.S.C. 78s(b), 15 U.S.C. 78w(w)

STATUTORY AUTHORITY: KRS 292.336(4)(b)~~[KRS 292.330(12)(d)]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 292.336(4)(b)~~[KRS 292.330(12)(d)]~~ provides that the commissioner~~[executive director]~~ may make periodic **examinations** ~~[examination]~~ of broker-dealers, firms employing issuer agents, and investment advisers and may charge a reasonable fee for the examination. This administrative regulation establishes the schedule of fees.

Section 1. Investment Adviser. The fee for ~~an~~[a routine] examination of an investment adviser shall be:

(1) Seventy-five (75) dollars for an investment adviser with assets under management of one (1) million dollars or less;

(2) \$150 for an investment adviser with assets under management of more than one (1) million dollars but not more than five (5) million dollars;

(3) \$250 for an investment adviser with assets under management of more than five (5) million dollars but not more than ten (10) ~~million~~ [millions] dollars [million];

(4) \$300 for an investment adviser with assets under management of more than ten (10) million dollars but not more than twenty (20) million dollars; ~~and~~

(5) \$350 for an investment adviser with assets under management of more than twenty (20) million dollars but not more than thirty (30) million dollars;

(6) \$450 for an investment adviser with assets under management of more than thirty (30) million dollars but not more than forty-five (45) million dollars;

(7) \$550 for an investment adviser with assets under management of more than forty-five (45) million dollars but not more than sixty (60) million dollars;

(8) \$650 for an investment adviser with assets under management of more than sixty (60) million dollars but not more than seventy-five (75) million dollars; and

(9) \$750 for an investment adviser with assets under management of more than seventy-five (75) million dollars.

Section 2. Broker-Dealer and Issuers. The fee for ~~an~~[a routine] examination of a broker-dealer or a firm employing issuer agents shall be thirty-five (35) dollars per working hour with the total fee not to exceed \$1,000. A fee shall not be charged for training hours on an examination. A fee shall not be charged for examination work by an examiner-trainee.

Section 3. Application of Industry Standards to Examination Criteria. When not in conflict with Kentucky law, a ~~Department~~[Office] of Financial Institution examiner shall apply the recordkeeping, supervisory, and conduct rules promulgated by:

(1) The Securities and Exchange Commission pursuant to 15 U.S.C. 78w; or

(2) If the broker-dealer is a member of a self-regulatory organization as defined in 15 U.S.C. 78c(a)(26), the self-regulatory organization pursuant to 15 U.S.C. 78s(b).

This is to certify that the persons signing below have reviewed or approved this administrative regulation, prior to its filing by the Department of Financial Institutions with the Legislative Research Commission as required by KRS 13A.220(6)(b).

ROBERT D. VANCE, Secretary

CHARLES A. VICE, Commissioner

APPROVED BY AGENCY: February 13, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

CONTACT PERSON: Simon Berry, Staff Attorney, Department of Financial Institutions, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone (502) 573-3390 ext. 232, fax (502) 573-2183.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Epidemiology and Health Planning
(As Amended at ARRS, April 11, 2012)

902 KAR 28:010, Definitions for 902 KAR Chapter 28,

RELATES TO: KRS 211.490, 211.492, 211.494, 211.496

STATUTORY AUTHORITY: 211.494(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the definitions for 902 KAR Chapter

28 pertaining to the statewide trauma care system.

Section 1. Definitions. (1) "ABEM" means the American Board of Emergency Medicine.

(2) "ACS COT" means the American College of Surgeons Committee on Trauma.

(3) ~~["ACS" means the American College of Surgeons.~~

(4) "Adult" means an individual who has attained eighteen (18) years of age.

(4) [(5)] "AOBEM" means the American Osteopathic Board of Emergency Medicine.

(5) [(6)] "ATCN" means the Advanced Trauma Care for Nurses course for registered nurses of the American College of Surgeons Society of Trauma Nurses.

(6) [(7)] "ATLS" means the Advanced Trauma Life Support course of the American College of Surgeons.

(7) [(8)] "Board certified" means the physician has been certified by the appropriate specialty board[physicians certified by specialty boards] recognized by the American Board of Medical Specialties.

(8) [(9)] ~~"Business associate agreement" means agreements between data sharing organizations as defined in the Health Insurance Portability and Accountability Act of 1996, or HIPAA, 45 C.F.R. Parts 160, 162, and 164.~~

(10) "Commissioner" means the commissioner of the Kentucky Department for Public Health.

(9) [(14)] "Consultation" means the peer review process that:

(a) A hospital may request prior to verification to assess the hospital's system of trauma care, its institutional capabilities, and preparedness for verification; and

(b) Is conducted in accordance with 902 KAR 28:030, Section 2(1)(a).

(10) [(12)] "Department" means the Department for Public Health, Cabinet for Health and Family Services.

(11) [(13)] "Designation" means the process established in 902 KAR 28:020 by which a hospital is identified by the department as an appropriate facility to receive traumatically injured patients.

(12) [(14)] "Emergency medical services" or "EMS" is defined by KRS 311A.010(5)

(13) [(15)] "Health Insurance Portability and Accountability Act of 1996" or "HIPAA" means the federal law codified at 45 C.F.R. Parts 160, 162, and 164 that covers the use of a patient's protected health information.

(14) [(16)] "Hospital criteria" means the characteristics that categorize a facility as a:

(a) Level I, II, or III trauma facility as specified in 902 KAR 28:020; or

(b) Level IV trauma facility as specified in 902 KAR 28:030.

(17) "ITLS" or "International Trauma Life Support" means an international standard training course for pre-hospital trauma care designed by the American College of Surgeons.

(15) [(18)] "Kentucky Trauma Advisory Committee" or "KyTAC" means the advisory committee established by KRS 211.494(3).

(16) [(19)] "Kentucky Trauma Hospital Resource Manual" means the detailed reference document that:

(a) Provides guidance, information, references and resources to assist hospital facilities:

1. Seeking designation as a trauma center pursuant to 902 KAR 28:020 or 902 KAR 28:030; or

2. Designated as a trauma center pursuant to 902 KAR 28:020 or 902 KAR 28:030;

(b) Is published by the Kentucky Trauma Advisory Committee and available on the Kentucky Hospital Association Web site at <http://www.kyha.com/home/kentucky-trauma-care-system>; and

(c) Is incorporated by reference in 902 KAR 28:030, Section 3.

(17) [(24)] "Kentucky Trauma Registry" or "KTR" means a database of information on the operation, quality, and services provided to patients, consistent with the standards of the National Trauma Data Bank (NTDB) as established by the American College of Surgeons Committee on Trauma (ASC COT).

(18) [(22)] "Level I trauma center" means a regional trauma center that:

(a) Provides total care of every aspect of injury from prevention through rehabilitation; and

(b) Meets the requirements established in 902 KAR 28:020.

(19) [(23)] "Level II trauma center" means a regional trauma center that:

(a) Provides screening and initial trauma care of the injured patient regardless of the severity of injury; and

(b) Meets the requirements established in 902 KAR 28:020.

(20) [(24)] "Level III trauma center" means a regional trauma center that:

(a) Provides prompt assessment, resuscitation, emergency operations and stabilization;

(b) Arranges for transfer to a facility that can provide trauma care at a higher level; **and**

(c) Serves communities that do not have immediate access to a Level I or Level II **trauma** center; and

(d) Meets the requirements established in 902 KAR 28:020.

(21) [(25)] "Level IV trauma center" means a regional trauma center that:

(a) Provides advanced trauma life support before a patient is transferred to a higher level of care;

(b) Is located in a hospital emergency department; and

(c) Meets the requirements established in 902 KAR 28:030

(22) [(26)] "Multidisciplinary trauma review committee" means a committee composed of the **facility's trauma services medical** ~~facility trauma service~~ director and other members of the facility trauma team that reviews trauma related morbidity and mortality in a hospital.

(23) [(27)] "NTDB" or "National Trauma Data Bank" means the national repository of trauma registry data established by the **ACS COT** ~~ACS-COT (American College of Surgeons Committee on Trauma)~~ and found at <http://www.facs.org/trauma/ntdb/index.html>.

(24) [(28)] "Prehospital care" is defined in KRS 311A.010(6).

(29) "Prehospital care provider" means an individual or organization certified or licensed by the Kentucky Board of Emergency Medical Services to provide out-of-hospital emergency medical services.

(25) [(30)] "Process Improvement Program" means a quality assurance program established by a trauma center in accordance with the requirements of the **ACS COT** ~~ACS-COT~~ or the KyTAC, that:

(a) Continually evaluates the performance and quality of care provided by a trauma center; and

(b) Recommends quality improvements to the trauma care program of the center.

(26) [(31)] "Protected Health Information" means a patient's information as defined in the Health Insurance Portability and Accountability Act of 1996, or HIPAA, 45 C.F.R. Parts 160, 162, and 164.

(27) [(32)] "Response time" means the interval between notification and arrival of the general surgeon, surgical specialist, or other medical professional in the emergency department or operating room.

(28) [(33)] "RTTDC" or "Rural Trauma Team Development Course" means a course developed by **ACS COT** ~~ACS-COT~~ for rural hospitals **to help a rural hospital develop its trauma team**.

(29) [(34)] "TNCC" or "Trauma Nursing Care Course" means a training course **that focuses on trauma care** for nurses developed by the Emergency Nurses Association.

(30) [(35)] "Transfer agreement" means the formal, written agreement between hospitals for the transfer and acceptance of patients that meets the requirements established in 902 KAR 28:030.

(31) [(36)] "Trauma" is defined by KRS 211.492(1) and 311A.010(17).

(32) [(37)] "Trauma center" is defined by KRS 211.492(2).

(33) [(38)] "Trauma center verification" is defined by KRS 211.492(3).

(34) [(39)] "Trauma coordinator" **or "trauma services manager"** means an individual:

(a) Designated by the hospital with responsibility for the coordination of all trauma care activities and **who** works in collaboration with the trauma **services medical** ~~service~~ director; and

(b) Responsible for the requirements established in 902 KAR 28:030.

(35) [(40)] "Trauma registry" means a database comprised of

trauma data submitted by all hospitals designated as a trauma center consistent with the standards of the National Trauma Data Bank (NTDB) as established by the American College of Surgeons Committee on Trauma (ASC COT).

(36) [(41)] "Trauma services medical director" means the physician designated by the hospital to coordinate trauma care.

(37) [(42)] "Trauma system" means the integrated network of hospitals and medical services including transportation, that strives to provide the timely and appropriate services relative to the degree of the patient's injury. ~~[(43)] "Triage" means the assessment of patients in terms of priority, treatment needs, transportation and destination, to assure appropriate services are provided pursuant to 902 KAR 28:030.]~~

STEVE DAVIS, M.D., Acting Commissioner

JANIE MILLER, Secretary

APPROVED BY AGENCY: January 24, 2012

FILED WITH LRC: January 25, 2012 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 Public Health

Division of Epidemiology and Health Planning

(As Amended at ARRS, April 11, 2012)

902 KAR 28:020, Kentucky Trauma System Designation Process.

RELATES TO: KRS 211.490, 211.492, 211.494, 211.496

STATUTORY AUTHORITY: 211.494(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the hospital designation process for Kentucky's trauma system.

Section 1. Hospital Trauma Center Designation. ~~[(4)]~~ A hospital shall receive designation as a trauma center by the Department for Public Health following successful completion of the verification and review process established in **this administrative regulation** **and** 902 KAR 28:030.

(1) [(a)] Hospitals seeking designation in the Kentucky Trauma Care System shall adhere to:

(a) The criteria established by the American College of Surgeons Verification Review Committee that is available at <http://www.facs.org/trauma/verifivisitoutcomes.html> and is included in the Reference Guide of Classification, if the facility is seeking designation as a Level I, II, or III trauma center; ~~or [(1)] The American College of Surgeons Committee on Trauma (ACS-COT) trauma-center standards incorporated by reference in this regulation for facilities in Level I, Level II, and Level III and found at <http://www.facs.org/trauma/verificationhosp.html>.]~~

(b) [(2)] The standards for Level IV designation established in 902 KAR 28:030.

(2) [(b)] Hospitals in Kentucky that volunteer to become part of the trauma care system shall make application to the Commissioner of Public Health using the:

(a) KYTAC1, Hospital Application for Level IV Verification and Kentucky Designation as a Trauma Center, if the facility is seeking designation as a Level IV trauma center; or

(b) KYTAC2, Hospital Application for Kentucky Trauma Center Designation, if the facility is seeking designation as a Level I, II, or III trauma center ~~[application incorporated by reference in Section 6 of this administrative regulation].~~

(3) [(c)] Designation shall be for a three (3) year period following trauma center verification and hospitals shall be reverified to maintain trauma designation.

(4) [(d)] Only hospitals which are designated trauma centers under the provisions of 902 KAR 28:010 through 902 KAR 28:060 shall be recognized by the Commonwealth as belonging to the

Kentucky Trauma Care System and may hold themselves out to the public as a trauma center.

Section 2. Designation by the Commissioner for Public Health.

(1) **The commissioner shall:**

(a) Upon receipt of the application and request to ACS[ASC] COT, ~~[the Commissioner:~~

(a) ~~Shall~~ review any ACS COT correspondence regarding the results of any consultation site visit, or the trauma center verification visit and shall review a copy of any certificates issued by ACS COT, within thirty (30) days of receipt of the document at the hospital; ~~]~~

(b) Upon receipt of a copy of the ACS COT certificate of trauma center designation, issue a certificate of designation in the Kentucky Trauma Care System; and; ~~]~~

(c) Upon agreement of both the applying hospital and the ACS COT, ~~[may]~~ direct a representative of the department or the KyTAC to participate as an observer during the site visit.

(2) The state-issued designation certificate shall be posted in a public area of the hospital adjacent to the Kentucky facility licensure certificate.

Section 3. State Designation for Existing Trauma Centers.

(1) A hospital that has been voluntarily verified as a Level I, Level II, or Level III Trauma Center by ACS COT prior to the effective date of this administrative regulation that seeks designation as a Kentucky Trauma Care System Level I, Level II, or Level III trauma center, shall submit a completed KYTAC2 application form~~[an application for designation]~~ to the commissioner along with a copy of the ACS COT verification letter and certificate.

(a) The application for designation in the Kentucky system~~[under Kentucky law]~~ shall be made within six (6) months of the effective date of this administrative regulation.

(b) Upon receipt of the application and ASC verification letter and certificate, a trauma center designation certificate shall be issued by the commissioner and shall be posted in a public area of the hospital adjacent to the Kentucky facility licensure certificate.

(c) The period of Kentucky designation shall be concurrent with the expiration date of the ACS COT verification.

(d) The initial fee for trauma center designation as specified in 902 KAR 28:060 shall be waived for the initial designation cycle for a hospital that has been voluntarily certified by ACS COT; ~~]~~ prior to the effective date of this administrative regulation.

(2) A hospital previously designated as a Level I, Level II, or Level III trauma center seeking redesignation by the Commissioner shall file a completed KYTAC2 application form~~[the application incorporated by reference in Section 6 of this administrative regulation]~~ concurrent with the application or request to ACS COT for a reverification~~[re-verification]~~ site visit.

(3) A hospital that does not meet the requirements of subsection (1) of this section and that is preparing for initial voluntary trauma center designation as a Level I, Level II, or Level III trauma center shall apply to the commissioner for designation following successful completion of the ACS COT verification process.

(4) The period of redesignation~~[re-designation]~~ shall be concurrent with the expiration date of the ACS COT verification.

(5) The fee for redesignation~~[re-designation]~~ shall be the same as the fee for initial designation as specified in 902 KAR 28:060.

Section 4. Level IV Trauma Center Designation. (1) Initial designation.

(a) Once the facility has completed the Level IV Consultation or Verification Program pursuant to Section 1 of this administrative regulation, the original completed KYTAC1 application form~~[application for Level IV Trauma Center Verification and Designation]~~ shall be forwarded to KyTAC. KyTAC shall conduct a review of the facility's compliance with this administrative regulation and 902 KAR 28:030 and make recommendations to the Commissioner within sixty (60) days of receipt of the application.

(b) 1. If the facility meets the requirements of this administrative regulation and 902 KAR 28:030, a certificate of trauma center designation shall be:

a. Issued by the commissioner; and

b. ~~[, and shall be]~~ Posted in a public area of the hospital adjacent to the Kentucky facility licensure certificate.

2. If the facility does not meet the requirements of this administrative regulation and 902 KAR 28:030, the commissioner shall send a written notice to the facility informing the facility of that determination. The facility may appeal the decision in accordance with 902 KAR 28:060.

(c) Designation shall be for a three (3) year period following completion of the trauma center verification process.

(2) Redesignation~~[Re-designation]~~. Within six (6) months preceding the expiration of a designation certificate, the hospital shall initiate the process established in 902 KAR 28:030 for reverification~~[re-verification]~~ and redesignation~~[re-designation]~~.

Section 5. Designation Suspension or Revocation. (1) A designated trauma center hospital that is unable to meet the applicable minimum required criteria of a Level I, Level II or Level III Trauma Center as established by ACS COT, or a Level IV Trauma Center as established in 902 KAR 28:030, shall notify the commissioner within five (5) business days of the event which caused the facility to fall below minimum criteria.

(2) If the commissioner becomes aware of a significant change in the status of the trauma care program at a designated hospital that may potentially affect its designation status, the commissioner may:

(a) Request confirmation of continued designation status from the hospital; or

(b) Assign a representative of KyTAC or a designee to conduct a site visit to review the status of the trauma program and report the findings back to the commissioner within thirty (30) days of assignment.

(3) The commissioner may consult with KyTAC and the ACS COT on information received from the hospital and site visit, and may:

(a) Suspend the hospital's designation;

(b) Place the facility into a probationary status pending resolution within thirty (30) days of the disciplinary action; or

(c) Revoke the hospital's designation.

(4) If the designation is revoked~~[In the case of a revocation]~~, and if the facility seeks redesignation, the facility shall correct the identified problems, and request, at its expense ~~[as provided for in 902 KAR 28:030]~~, a focused review to demonstrate that each problem has been corrected.

(5) Following the review required by~~[in]~~ subsection (4) of this section, the commissioner shall~~[may]~~:

(a) Reinstate the designation;

(b) Request that the facility reapply for verification at a lower level;

(c) Deny redesignation~~[re-designation]~~; or

(d) Refer the matter to KyTAC for determination of other appropriate action.

(6) A hospital not able to meet trauma center criteria at the initial designation level shall not hold designation as a trauma center until reverified~~[re-verified]~~ at an appropriate level and redesignated~~[re-designated]~~.

Section 6. Incorporation~~[Incorporated]~~ by Reference. (1) The following material is incorporated by reference:

(a) KYTAC1. "Hospital Application for Level IV Verification and Kentucky Designation as a Trauma Center", April 2012;

(b) KYTAC2. "Hospital Application for Kentucky Trauma Center Designation", April 2012; and

(c) "American College of Surgeons Verification Review Committee Reference Guide of Classification", January 2012~~[Kentucky Trauma Care System, Hospital Application for Level IV Verification and Kentucky Designation as a Trauma Center, KYTAC, January 2012 Edition;~~

~~(b) Kentucky Trauma Care System Hospital, Application for Kentucky Trauma Care Designation, KYTAC January 2012 Edition].~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department for Public Health, Commissioner's Office, 275 East Main Street,

Frankfort, Kentucky 406012, Monday through Friday, 8 a.m.[8:a.m.] to 4:30 p.m.

STEVE DAVIS, MD, Acting Commissioner

JANIE MILLER, Secretary

APPROVED BY AGENCY: January 24, 2012

FILED WITH LRC: January 24, 2012 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 Public Health
Division of Epidemiology and Health Planning
(As Amended at ARRS, April 11, 2012)

902 KAR 28:030, Kentucky's Trauma System Level IV Criteria,

RELATES TO: KRS 211.490, 211.492, 211.494, 211.496

STATUTORY AUTHORITY: 211.494(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the criteria for a Level IV trauma center[facility] in the Kentucky Trauma Care System.

Section 1. Level IV Trauma Centers. (1) A hospital[hospitals] that seeks designation as a Level IV trauma center shall meet the [following] criteria established in this subsection.[:]

(a) Trauma Program.[:]

1. A trauma program shall be created with agreement from the hospital's board of directors, administration, and medical staff.[:]

2. The board of directors, administration, medical, nursing, and ancillary staff shall commit to provide trauma care at the level for which the facility is seeking trauma center verification.[:] and

3. A board resolution advising of that commitment shall be submitted with the KYTAC1 application incorporated by reference in 902 KAR 28:020, Section 6[28:020(5)].

(b) Trauma Services Medical Director.[:]

1. The trauma services[Service] medical director shall be a [board-certified or board-eligible (BC/BE)] physician on staff at the facility.[:]

2. The job description shall include roles and responsibilities for trauma care, including trauma team formation, supervision and leadership, and continuing education.

3. The medical director shall act as the medical staff liaison to administration, nursing staff, and as the primary contact for that facility with other trauma centers in the region.[:] and

4. The medical director shall maintain certification as an Advanced Trauma Life Support (ATLS) provider if not Board Certified/Board Eligible by the American Board of Emergency Medicine (ABEM) or the American Osteopathic Board of Emergency Medicine (AOBEM). Rural Trauma Team Development Course (RTTDC) participation shall be required for the trauma services[Service] medical director.

(c) Trauma Services Manager.[:]

1. The facility shall have a trauma services manager who may be referred to as the trauma [Services] coordinator.[:]

2. The manager shall work with the medical director to coordinate and implement the facility's trauma care response.[:] and

3. The job description of this position shall include time dedicated to the trauma program, separate from other duties the program manager may have at the facility.

(d) Emergency Department Coverage.[:]

1. The facility shall have twenty-four (24) hour[24-hour] physician coverage of the emergency department and a designated physician medical director for the emergency department.[:] and

2. A mid-level provider, such as a nurse practitioner[practitioner] or physician's assistant, may serve as the trauma team leader. [However,] A designated emergency department physician shall be present for immediate consultation during trauma

team activations.

(e) Emergency Department Physicians. Physicians assigned to the emergency department of a Level IV Trauma Center shall:

1. Be licensed in the Commonwealth of Kentucky; and[.]

2. a. Maintain current Advanced Trauma Life Support® (ATLS) provider certification; or

b.[3-] Be certified by ABEM or AOBEM.

(f) Surgical Staff.

1. Orthopedic surgery, plastic surgery, and radiology medical staff availability shall be documented by published call schedules.[:]

2. If surgical services are provided, anesthesia coverage shall be provided.[:]

3. Surgical staff shall document completion of fifteen (15) hours of annual trauma-related continuing medical education for surgeons completed every three (3) years as part of the CME required by the Kentucky Board of Medical Licensure.

4. Surgical specialties participating in the trauma team shall have at least one (1) representative of its specialty attend more than half of the hospital's multi-disciplinary trauma review committee meetings.

(g) Prior to being assigned to the facility's trauma team, nurses responsible for trauma care at the facility shall have completed one of the following professional education courses specific to trauma care:

1. Trauma Nursing Core Course (TNCC); or
2. Advanced Trauma Care for Nurses (ATCN),

(h) Transfer Protocols.

1. The facility shall have a written transfer protocol describing the method to transfer the trauma patient requiring a higher level of care.[:]

2. The transfer protocol shall address:

- a. Available ground or air transport services;
- b. Alternative transport services;
- c. Receiving trauma centers and trauma surgeon contact information;
- d. What supplies, records, and resources shall be available for use[that may be utilized] to affect the transfer; and
- e. Specific anatomic and physiologic criteria that will immediately initiate transfer to definitive care.

3. The[This] transfer protocol shall be developed with involvement of each local ground EMS provider and regional air medical provider to assure seamless patient care during transfer and be consistent with the protocol examples found in the Kentucky Trauma Hospital Resource Manual.

(i) Transfer Agreements. A Level IV Trauma Center shall have:

1. A written agreement with a verified Level I, II, or III trauma center or a hospital whose capabilities exceed that of a Level IV facility regarding the transfer and care of adult and pediatric trauma patients.[:]

2. A written agreement with back-up transfer agreements specifically for burn patients if the primary regional receiving facility does not have the required capacity; and

3. Transfer plans that shall be defined and consistent with the examples found in the Kentucky Trauma Hospital Resource Manual.

(j) Radiology.

1. The facility shall have a Radiologic Technologist available on-site twenty-four (24) hours[24-hours] a day to provide basic plain films used in the evaluation of trauma patients.[:]

2. A twenty (20) minute response time for trauma team activation shall be required. Response times shall be documented and monitored by the trauma coordinator and the facility's process improvement program.[:] and

3. The facility shall have computed tomography and sonography capabilities.

(k) Clinical Laboratory.

1. The facility shall have a lab technician available on duty or on-call twenty-four (24)[24] hours a day to perform basic studies used in the initial evaluation of trauma patients, including Complete Blood Count, typing, coagulation profile, and Arterial Blood Gas.[:]

2. A twenty (20) minute response time from trauma team activation shall be required for a lab technician. Response times shall

be documented and monitored by the trauma coordinator and the facility's process improvement program.

3. The lab or facility blood bank shall have at least two (2) units of O-negative blood available for trauma patients, to be infused at the facility or while en-route to definitive care.

4. Access to blood and blood products during an emergency situation if the lab is not staffed shall be documented.

5. The facility shall have the capability to conduct micro-sampling.

(l) Respiratory Therapy.

1. The facility shall have a respiratory care practitioner on duty or on-call twenty-four (24) hours a day to respond to the emergency department if the trauma team is activated.

2. A twenty (20) minute response time from trauma team activation shall be required if a respiratory care practitioner is not on-site. Response times shall be documented and monitored by the trauma coordinator and the facility's process improvement program.

3. Other trained health care personnel may fulfill the respiratory care practitioner's role until the designated respiratory care practitioner arrives.

(2) Trauma Team Activation Protocol. A facility designated as a Level IV Trauma Center shall have a written trauma team activation protocol in place that:

(a) Documents the following:

4-] members of the trauma team and their response requirements if activated;

(b) Establishes the and

2-] criteria based on severity, anatomy, or physiology of the injury for trauma team activation and provides the names of each person authorized to activate the trauma team; and

(c) Is consistent with the examples of trauma team activation protocols found in the Kentucky Trauma Hospital Resource Manual.

(3) Performance Improvement.

(a) A facility designated as a Level IV Trauma Center shall develop a performance improvement program that includes:

1. An in-house trauma registry or a secure on-line trauma registry system; and

2. A written policy outlining the quality and performance improvement (PI) portion of the trauma program, which shall include:

a. The names of each person responsible for performing PI reviews;

b. The names of the multidisciplinary trauma review committee;

c. The composition by name and position of the morbidity and mortality review committee;

d. The minimum number of cases to be reviewed annually including:

(i) Patients requiring transfer;

(ii) Record of each trauma death;

(iii) Non-compliance of trauma team members to response time requirements;

(iv) Bypasses;

(v) Transfers; and

(vi) Trauma care provided by physicians not meeting minimal education requirements;

e. Frequency of performance improvement meetings;

f. Minimum requirements for member attendance by position;

g. Evidence of a quality assurance program as required by 902 KAR 20:016, Section 3(8)(b)6.; and

h. Feedback obtained from patients transferred to a Level I, II, or III trauma center.

(b) Each performance improvement program shall be consistent with the examples in the Kentucky Trauma Hospital Resource Manual.

(4) Level IV Trauma Center Emergency Department.

(a) Basic and essential equipment and supplies for the care and treatment of both adult and pediatric patients shall be present in a Level IV Trauma Center emergency room.

(b) A Level IV Trauma Center emergency room shall contain items described as the minimum equipment and supply lists found in the Kentucky Trauma Hospital Resource Manual.

(5) Level IV Trauma Center Operating Room.

(a) Any operating room available and used for the surgical care of victims of trauma shall have the following:

1. Operating room staff available within thirty (30) minutes of notification;

2. Anesthesia staff available within thirty (30) minutes of notification; and

3. Age-specific equipment including thermal control equipment for patients, fluids, and blood products.

(b) C-arm capability shall be required if orthopedic procedures are to be performed.

(c) Post-anesthetic recovery shall contain equipment for monitoring and resuscitation, pulse oximetry, and thermal control.

(d) Required resuscitation equipment shall include:

1. Airway and ventilation;

2. Pulse oximetry;

3. Suction;

4. Electro Cardiogram;

5. Defibrillator;

6. IV administration sets;

7. Large bore vascular catheters;

8. Cricothyroidotomy;

9. Thoracostomy;

10. Emergency drugs;

11. Broselow tape;

12. Fluid warmer,

13. Qualitative CO2 detector; and

14. EMS communication equipment.

(6) Trauma Diversion.

(a) The Level IV trauma center shall have a policy in place that outlines the circumstances that shall trigger a trauma diversion and the procedures to be followed, including procedures if one (1) or more hospital resources are functioning at maximum capacity or are otherwise unavailable.

(b) This process shall be coordinated with the EMS providers in the service area and potential receiving facilities.

(c) EMS providers shall coordinate diversion plans under the provisions of 202 KAR 7:501, Section 5(3).

(d) Examples of trauma diversion protocols shall be found in the Kentucky Trauma Hospital Resource Manual.

(7) Other Level IV Requirements. A facility designated as a Level IV trauma center may:

(a) Host or participate in a joint RTTDC program. Participation by physicians, members of administration, nursing, ancillary support staff, and local prehospital care providers shall be strongly encouraged;

(b) Conduct or participate in local or regional outreach education, specifically ATLS, TNCC, and ITLS/PHTLS courses, and conduct or participate in local or regional presentations of trauma-related CME for physicians, nurses, prehospital staff, and other personnel; and

(c) Participate in injury prevention programs organized by the facility or in cooperation with the Kentucky Injury Prevention Research Center (KIPRC), law enforcement, fire, EMS and other safety organizations. Documentation of injury prevention program activities shall be available for review during the trauma center verification or reverification process.

Section 2. Level IV Site Visits. (1) A hospital may request a site visit from a peer review team for a consultation visit, a verification visit, or a reverification visit.

(a) A consultation visit shall be conducted to assess the facility's system of trauma care delivery or to prepare for a verification visit.

1. A consultation visit shall follow the same format as a verification visit.

2. Site visit reviewers shall provide recommendations to aid a facility in attaining verification readiness.

(b) A verification visit shall be conducted to confirm the facility is performing as a trauma center according to the criteria listed in Section 1 of this administrative regulation.

1. Site visit reviewers shall provide a report of findings to the KyTAC.

2. The KyTAC, upon receipt and review of the report, shall

recommend to the Commissioner of Public Health that:

- a. A Certificate of Verification be issued, and that the Commissioner designate the facility as a Level IV Trauma Center; or
- b. The facility be notified of deficiencies in writing and a focus review visit scheduled within six (6) months of the date of the verification visit to identify those deficiencies that can be isolated and correctable.

(c) A reverification[re-verification] visit shall be requested by a facility previously issued a certificate of verification if the facility does not want its certificate of verification and designation to expire.

1. The facility shall schedule a reverification[re-verification] visit six (6) months prior to the expiration date of its current certificate of verification and designation as a Level IV Trauma Center.

2. A facility whose current certificate of verification has lapsed due to the facility's[facility] failure to initiate reverification shall submit a new KYTAC1 as required by 902 KAR 28:020 and this administrative regulation[re-verification may be subject to submitting a new verification application].

3. A reverification[re-verification] visit shall follow the same procedures established in subsection (2) of this section[outlined in Section 2 (2)].

(2) Site Visit Teams.

(a) A site visit team[teams] shall be composed of a minimum number of two (2) or three (3) persons as follows:

1. Consultation visit: Two (2) members;
2. Verification visit: Three (3) members;
3. Reverification[Re-verification] visit: Three (3) members; or
4. Focus review visit: Two (2) members, one (1) of whom[which] shall have been on the original verification team.

(b) Each site visit team member shall be a member of either the:

1. American College of Surgeons; or
2. American Board of Emergency Medicine.

(c) The Commissioner of Public Health shall solicit from the KyTAC two (2) names for each team member position for the requested visit.

(d) The Commissioner of Public Health shall select the team members from the list provided and notify KyTAC of the team members selected.

(e) Only one (1) of each team's members may[No more than one (1) of team member shall currently] be a KyTAC member.

Section 3. Incorporation[Incorporated] by Reference. (1) "Kentucky Trauma Hospital Resource Manual", April[January], 2012, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department for Public Health, Commissioner's Office, 275 East Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

STEVE DAVIS, M.D. Acting Commissioner

JANIE MILLER, Secretary

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 Public Health
Division of Epidemiology and Health Planning
(As Amended at ARRS, April 11, 2012)

902 KAR 28:040, Kentucky's Trauma System Registry,

RELATES TO: KRS 211.490, 211.492, 211.494, 211.496
STATUTORY AUTHORITY: 211.494(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the criteria for use of a Trauma System Registry by a Level IV trauma center[facility] in the Kentucky

trauma care system.

Section 1. Kentucky Trauma Registry. (1) The department shall establish a single statewide Kentucky Trauma Registry (KTR) through the Kentucky Injury Prevention Research Center to be the statewide repository for trauma data.

(2) ~~The KTR shall produce a Kentucky Trauma Care System Report each year by November 1st covering the previous calendar year. This report shall be included in the annual report to the General Assembly that is required by KRS 211.494 (7).~~

~~(3) Requests for data from~~[of] the KTR ~~for non-standard reports of selected sub-sets of data~~ shall be directed to the Kentucky Commissioner for Public Health.

~~(3) [(4)]~~ Requests for reports on a specific trauma center shall be addressed to the Trauma Coordinator or Trauma Program Manager of the trauma center in question.

~~(4) [(5)]~~ Pursuant to KRS 211.494(6), data obtained through a trauma registry shall be[is] considered protected health information.

Section 2. Trauma Center[Hospital-Trauma] Registries. (1) All trauma centers designated by the Commissioner of Public Health in the Kentucky Trauma Care System shall:

(a) Establish and maintain a trauma registry that is compatible with the NTDB standards established in the National Trauma Data Standard Data Dictionary, 2012 Admissions; or

(b) Have a secure, on-line system that is NTDB and HIPAA compliant.

(2) An individual trauma center registry shall have its new or updated trauma data uploaded electronically at least quarterly to the KTR.[Individual hospital trauma registries shall electronically upload new or updated trauma data at least a quarterly to KTR.]

(3) ~~Individual hospitals of the Kentucky Trauma Care System may be asked to periodically upload certain data elements to NTDB from their trauma registries.~~

(4) Trauma Registry. The inclusion criteria for the KTR shall be specified in the Kentucky Hospital Trauma Manual incorporated by reference in 902 KAR 28:030, Section 3.

Section 3. Incorporation by Reference. (1) "National Trauma Data Standard Data Dictionary, 2012 Admissions", July 2011, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department for Public Health, Commissioner's Office, 275 East Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

STEVE DAVIS, M.D. Acting Commissioner

JANIE MILLER, Secretary

APPROVED BY AGENCY: January 24, 2012

FILED WITH LRC: January 25, 2012 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 Public Health
Division of Epidemiology and Health Planning
(As Amended at ARRS, April 11, 2012)

902 KAR 28:050, Kentucky's Trauma System Appeals Process,

RELATES TO: KRS 211.490, 211.492, 211.494, 211.496
STATUTORY AUTHORITY: 211.494(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the appeal process for a facility that has been denied verification or designation as[a] a trauma center.

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Section 1. **Appeals Process.** (1) **An applicant may appeal a decision of the Department for Public Health within thirty (30) days of the date of notification that:**

(a) The applicant was denied verification or designation as a trauma center;

(b) A designated trauma center was denied reverification;
or

(c) A designated trauma center designation was revoked or suspended.

(2) To initiate an appeal, the applicant shall submit a written request for a hearing pursuant to KRS Chapter 13B to the Commissioner of Public Health.

(3) Each appeal shall be conducted in accordance with KRS Chapter 13B. [Appeal Process (1) Decisions of the Kentucky Department for Public Health may be appealed if:

(a) An applicant has been denied verification or designation as a trauma center;

(b) A designated trauma center has been denied reverification; or,

(c) A designated trauma center designation has been revoked or suspended.

(2) The department shall communicate its decision in writing to the affected party within thirty (30) calendar days of its decision.

(3) The affected party may request a hearing pursuant to KRS Chapter 13B and submit that request to the Commissioner of Public Health, in writing, within thirty (30) calendar days of the date the final order has been issued by the Department.

(4) Upon receipt of the request for hearing the Commissioner of the Department for Public Health shall request a review of the facts be conducted by;

(a) The entire KYTAC; or

(b) Three or more members of KYTAC.

(5) Upon receipt of a report and recommendation from KYTAC or in instances where the affected party has requested an appeal hearing, the Commissioner may request an appeal hearing as described in Chapter 13B.

(6) All administrative enforcement and hearing procedures in which a final order is issued by the Department shall be conducted in accordance with the KRS Chapter 13B.]

STEVE DAVIS M.D. Acting Commissioner

JANIE MILLER, Secretary

APPROVED BY AGENCY: January 24, 2012

FILED WITH LRC: January 25, 2012 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 Public Health

Division of Epidemiology and Health Planning

(As Amended at ARRS, April 11, 2012)

902 KAR 28:060, Kentucky Trauma System Fees.

RELATES TO: KRS 211.490, 211.492, 211.494, 211.496

STATUTORY AUTHORITY: 211.494(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the fee structure for the Kentucky Trauma Care System.

Section **1[i]**. State Trauma Center Application. (1) **A[The]** facility applying for Level I, Level II, Level III, or Level IV trauma center designation in the state trauma care system shall:

(a) Complete the application process as established[described] in 902 KAR 28:020; and

(b) Submit an application fee of:

1. \$500 if applying for a Level I, Level II, or Level III designation; **or**

2. [and

(e)] \$1000 if applying for a Level IV designation.

(2)[(d)] The application fee shall be:

(a) Paid by check made payable to the Kentucky State Treasurer; and

(b) Sent to the Department for Public Health with the application.

Section 2. Level I, Level II, and Level III Verification and Designation Fees. **(1) A site visit for a**[Site visits for] Level I, Level II, **or** [and] Level III trauma system verification **shall**[will] be conducted by ACS COT.

(2) Any cost or additional fees associated with these site visits shall be determined by ACS COT and paid by the applicant in accordance with ACS COT policies.

Section 3. Fees for Level IV Trauma System Verification and Designation.

(1) Prior to submission of an application, an applicant seeking Level IV designation shall have a verification site visit in accordance with 902 KAR 28:030, **Section 2**.

(2) Fees for any site visit shall be the responsibility of the applicant.

(3) Site visit expenses **shall be**[are] \$1,000 per team member per day honorarium in addition to **the** travel expenses specified by the Finance and Administration Cabinet in 200 KAR 2:006, **Section 7**[(7)].

(4) The hospital may request the Commissioner for Public Health to appoint additional team members. The requesting hospital shall be responsible for any additional cost associated with the request as outlined in **subsection**[subparagraph] (2) of this section.

(5) The applicant shall be notified by the department of the estimated costs associated with any site visit prior to the visit.

(6) Payment for these charges shall be made by check payable to the Kentucky State Treasurer and forwarded to the Department for Public Health upon confirmation of the scheduled site visit.

STEVE DAVIS, M.D. Acting Commissioner

JANIE MILLER, Secretary

APPROVED BY AGENCY: January 23, 2012

FILED WITH LRC: January 25, 2012 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

GENERAL GOVERNMENT CABINET
Kentucky Board of Home Inspectors
(Amended After Comments)

815 KAR 6:010. Home inspector licensing requirements and maintenance of records.

RELATES TO: KRS 198B.700, KRS 198B.706, KRS 198B.712, KRS 198B.714, KRS 198B.716, KRS 198B.722, KRS 198B.724[~~EO-2009-535~~]

STATUTORY AUTHORITY: KRS 198B.706, KRS 198B.722(7)[~~EO-2009-535~~]

NECESSITY, FUNCTION AND CONFORMITY: KRS 198B.706(1) and (15) require the Kentucky Board of Home Inspectors to promulgate administrative regulations necessary to enforce the provisions of KRS 198B.700 to 198B.738 and to establish requirements for licensing and certification as well as prescribing forms and applications. KRS 198B.706(7) requires the board to inspect the records of a licensee. KRS 198B.706(11) requires the board to establish continuing education requirements. KRS 198B.722 requires the board to set the requirements for renewal of licenses and authorizes the board to establish an inactive license.[~~EO-2009-535, effective June 12, 2009, reorganized the Office of Housing, Buildings and Construction as the Department of Housing, Buildings and Construction, and established the commissioner, rather than executive director, as the head of the department.]~~ This administrative regulation establishes the licensure and record requirements for home inspectors.

Section 1. Definitions. (1) "Applicant" is defined by KRS 198B.700(1).

(2) "Board" is defined by KRS 198B.700(2).

(3) "Contact hour" means fifty (50) minutes of instruction, exclusive of any breaks, recesses, or other time not spent in instruction.

(4)(3) "Licensee" is defined by KRS 198B.700(8).

Section 2. Application Requirements. (1) An applicant for a home inspector license shall submit the following:

(a) A completed Application for Initial Licensure as a Kentucky Home Inspector, Form KBHI 1;

(b) A 2 in. x 2 in. passport photograph affixed to the application form;

(c) A certificate of course completion and the applicant's national examination test score;

(d) A certificate of insurance;

(e) If applicable, other state or local licensure, certification, registration, or permit;

(f) A report with the results of the state-wide background check; and

(g) A nonrefundable fee of \$250.

(2) An applicant for a home inspector license shall:

(a) Complete and pass a board-approved, preclicensing training course administered by a provider who has been approved by the board in accordance with 815 KAR 6:040 and subsection (8) of this section; and

(b) Pass an examination conducted by a board-approved test provider.

(3) A request to sit for the examination shall be made directly to the test provider.

(4) The examination fee shall be set by the testing company and shall be paid directly to the test provider.

(5) A passing score on the examination shall be valid for a period of three (3) years.

(6) Failing the examination.

(a) An applicant who fails to pass the examination two (2) times shall wait at least fourteen (14) calendar days from the date of the second failed examination prior to retaking the examination.

(b) An applicant who fails to pass the examination three (3) or more times shall wait at least thirty (30) calendar days from the

date of the third or subsequent failed examination failed examination prior to retaking the examination.

(c) An applicant who fails to pass the examination three (3) times shall not be eligible to retake the examination until the applicant has again completed and again passed the preclicensing training course required by Section 2(2)(a) of this administrative regulation before retaking the examination a fourth (4th) time, and also for each subsequent examination failure thereafter.

(7) Procedures and conduct.

(a) The applicant shall follow:

1. Procedures and appropriate conduct established by the board or testing service administering an examination if the procedures and conduct requirements are provided or made available to each applicant or orally announced before the start of the examination; and

2. Written instructions communicated prior to the examination date and any instructions communicated at the testing site, either written or oral, on the date of the examination.

(b) Failure to comply with all procedures established by the board or the testing service with regard to conduct at the examination shall be grounds for denial of the application.

(8) Course requirements. To be approved by the board, a preclicensing training course shall require a minimum of:

(a) Sixty-four (64) credit hours of training in the following subject areas for at least the number of hours specified:

1. Manufactured housing: three (3) hours;

2. Standards of practice, licensing law and administrative regulations, contracts, report writing, and communications: eleven (11) hours;

3. Exterior, roofing, insulation, and ventilation: six (6) hours;

4. Structure and interior: nine (9) hours;

5. Electrical and plumbing: nine (9) hours;

6. Heating and air conditioning: six (6) hours;

7. Field training: sixteen (16) hours, including not more than eight (8) hours in a laboratory;

8. General residential construction: three (3) hours; and

9. Environmental hazards, mitigation, water quality, and indoor air quality: one (1) hour;

(b) The completion of three (3) unpaid home inspections with satisfactory written reports submitted to the course provider in addition to the sixteen (16) hours of field training required by paragraph (a)7 of this subsection; and

(c) An exit examination with a passing score.

(9) Criminal background checks and other disciplinary proceedings.

(a) Each applicant shall undergo a state-wide criminal background check administered by a law enforcement agency capable of conducting a state-wide background check and submit the results of the check along with the applicant's application.

(b) If an applicant has resided in a state for less than five (5) years prior to application, the applicant shall also obtain and submit a state-wide criminal background check by a law enforcement agency capable of conducting a state-wide background check from the state where the applicant previously resided.

(c) The board may deny or refuse to renew a license to an applicant or licensee who:

1. Has pleaded guilty to or has been convicted of a:

a. Felony;

b. Misdemeanor[~~involving theft or dishonesty; or~~

~~e. Sex offense~~]; or

2. Has had disciplinary action taken against a professional license, certificate, registration, or permit held by the applicant or licensee in any jurisdiction or state, including Kentucky.

Section 3. Reciprocity. An applicant seeking a license through reciprocity in accordance with KRS 198B.714 shall:

(1) Submit a completed Application for Initial Licensure as a Kentucky Home Inspector, Form KBHI 1, and attachments established in Section 2(1)(b) through (f) of this administrative regulation;

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- (2) Pay a nonrefundable fee of \$250; and
- (3) Meet the conditions of KRS 198B.714(1).

Section 4. Nonresident Licensees. A nonresident licensee shall:

- (1) Submit a completed Application for Initial Licensure as a Kentucky Home Inspector, Form KBHI 1, and attachments established in Section 2(1)(b) through (f) of this administrative regulation;
- (2) Pay the fee established in Section 2(1)(b) of this administrative regulation; and
- (3) Comply with the provisions set forth in KRS 198B.716 and this administrative regulation.

Section 5. Renewal of Licenses. In addition to the requirements set forth in KRS 198B.722, to renew a license, the licensee shall:

- (1) Satisfy the continuing education requirements of Section 7 of this administrative regulation;
- (2) Pay a nonrefundable renewal fee of \$200[\$250] per year for each license that expires on or after July 1, 2012, to and including June 30, 2014, or;
- (3) Pay a nonrefundable renewal fee of \$250 per year for each license that expires on or after July 1, 2014;
- (4)(3) Submit a fully-completed Application for Renewal of Kentucky Home Inspector License, Form KBHI 2 and attachments, including:
 - (a) A certificate of completion for continuing education;
 - (b) A certification of insurance information;
 - (c) If applicable, other state or local licensure, certification, registration, or permit; and
 - (d) A state-wide criminal background check; and
- (5)(4) Submit a copy of a completed inspection report that has been compiled within the previous twelve (12) months immediately preceding renewal.

Section 6. Continuing Education. (1) The continuing education requirements of this section shall apply only to those licensees who will have been licensed at least twelve (12) months at license renewal.

- (2) Each licensee shall be required to have at least fourteen (14) hours of continuing education per license year.
- (3) Prior to any renewal, the continuing education shall include a minimum of the following:
 - (a) Three (3) hours in manufactured housing;
 - (b) Three (3) hours in Kentucky laws and administrative regulations; and
 - (c) Eight (8) hours in technical courses, including identification, determination, and report writing as applicable within the standards of practice
- (4) Continuing education shall be obtained from those providers approved by the board as provided in 815 KAR 6:040.
- (5) An approved precursing course shall to satisfy the initial fourteen (14) hour continuing education requirement.
- (6) A maximum of three (3) hours per license year shall be awarded for teaching part of a home inspection credit course or home inspection continuing education course as applied to the appropriate content area set forth in Section 3(a)-(c) of this administrative regulation.
- (7) A maximum of three (3) hours per license year shall be awarded for appointment to the Board for a board member who is licensed and who has attended not less than eighty-per cent (80%) of the board meetings each license year as applied to the content area set forth in Section 3(b) of this administrative regulation.

Section 7. Inactive License. (1) Placement of a license in inactive status.

- (a)1. To place a license in inactive status, a licensee shall submit a notarized statement indicating the desire to have the license placed in inactive status.
2. This notarized statement shall be mailed to the board and shall be accompanied by the following:
 - a. A check for ten (10) dollars made payable to the Kentucky State Treasurer;

- b. The actual license card of the licensee; and
- c. A current mailing address for the licensee.
- (b) Licensees in inactive status shall not engage in any home inspection activities within the Commonwealth of Kentucky.
- (2) Renewal of license in inactive status.
 - (a) A licensee with an inactive license shall pay an annual inactive status fee equal to fifty (50) percent of the current renewal fee for an active license.
 - (b) Failure to pay this annual fee shall result in the expiration of the license on the last day of the licensee's birth month.
 - (3) Insurance coverage for licensees with inactive license. A licensee with an inactive status license shall not be required to maintain the insurance coverage required by KRS 198B.712(3)(d) during inactive status.

Section 8. Reactivation of Inactive License to Active Status. (1) A licensee who wishes to reactivate a license shall contact the board and submit a notarized statement requesting approval to return to active status.

- (2) This request shall be accompanied by the following:
 - (a) The name of the licensee requesting activation;
 - (b) The license number of the licensee requesting reactivation;
 - (c) The birth date of the licensee requesting reactivation;
 - (d) A current mailing address for the licensee requesting reactivation;
 - (e) A check in the amount of ten (10) dollars made payable to the Kentucky State Treasurer;
 - (f) Proof of liability insurance naming the individual in the amount of \$250,000 as required by KRS 198B.712(3)(d);
 - (g) A state-wide criminal background check administered by a law enforcement agency capable of conducting a state-wide background check; and
 - (h) Proof of continuing education as required by Section 9 of this administrative regulation; and
- (3) A license that has been inactive for a period of five (5) years from the date of board action shall be considered expired.

Section 9. Continuing Education Requirements for Licensees in Inactive Status Returning to Active Status. A licensee with an inactive status who wishes to reactivate the license shall complete the following continuing education requirements prior to application to return to active status:

- (1) Fourteen (14) hours per year that the license has been inactive. This fourteen (14) hours shall include:
 - (a) Three (3) hours in manufactured housing;
 - (b) Three (3) hours of Kentucky law and administrative regulations; and
 - (c) Eight (8) hours, in any combination, of:
 1. Electrical;
 2. Plumbing;
 3. Heating, ventilation and air conditioning;
 4. Roofing; or
 5. Report writing.
- (2) A board approved sixty-four (64) hour precursing training course may be used to satisfy this requirement.

Section 10. Maintenance of Records. (1) Address.

- (a) A license holder shall report a change of address to the board in writing within ten (10) days after the change.
- (b) The board shall not be responsible for the license holder's failure to receive notices, communications, and correspondence caused by the license holder's failure to promptly notify the board of a change of address.
- (2) Names.
 - (a) A license holder shall notify the board in writing of a name change within thirty (30) days of the change.
 - (b) The notification shall be accompanied by a copy of a marriage certificate, divorce decree, court order, or other documentation that verifies the name change.
 - (c) The board shall not be responsible for the license holder's failure to receive notices, communications, and correspondence caused by the license holder's failure to promptly notify the board of a name change.
- (3) Inspection records.

(a) A licensed home inspector shall retain the following records for a period of three (3) years from the date of the inspection:

1. The written reports;
2. The contract; and
3. Supporting documentation, if applicable.

(b) Records may be retained in retrievable, electronic format.

(c) The licensee shall provide all records requested by the board within ten (10) days of receipt of the request. ~~[(d) The licensee shall not destroy any records, if notified by the board that it is requesting the records.]~~

Section 11. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Licensure as a Kentucky Home Inspector", Form KBHI 1, 1-2012; and

(b) "Application for Renewal of Kentucky Home Inspector License", Form KBHI 2, 1-2012.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, ~~Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5405.~~ Monday through Friday, 8 a.m. to 5[4:30] p.m.

CONTACT PERSON: Tony Crockett, Board Administrator, Office of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, phone (502) 564-3296, fax (502) 564-4818.

MARK SCHMIDT, Chair

APPROVED BY AGENCY: April 11, 2012

FILED WITH LRC: April 11, 2012 at 4 p.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Tony Crockett

(1) Provide a brief summary of:

(a) What this administrative regulation does: This amended administrative regulation sets forth the requirements for an initial applicant for licensure as a home inspector, the reciprocity requirements for licensure by reciprocity, the nonresident requirements for nonresident licensure, the requirements for an applicant to renew licensure, the required continuing education standards, inactive licenses, reactivation of inactive licenses, continuing education requirements for reactivation of inactive licenses, and maintenance of records.

(b) The necessity of this administrative regulation: This administrative is necessary to set the various requirements for licensure as a home inspector.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 198B.706, KRS 198B.722(7) allow the Board to set various requirements for licensure. The Board is amending this administrative regulation establishing the various requirements for licensure as a home inspector.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amended administrative regulation establishing the various requirements for licensure as a home inspector.

(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 amended administrative regulation will change the criminal convictions that may be grounds for denial of licensure, sets the amount of hours for continuing education obtained from teaching approved courses, limits the number of times an applicant has to pass the required examination, and reduces the renewal fees for the Fiscal Year July 1, 2012, to June 30, 2014.

(b) The necessity of the amendment to this administrative regulation: This amended administrative regulation is necessary to update these applicable standards and to reduce renewal fees for the Fiscal Year July 1, 2012, to June 30, 2014.

(c) How the amendment conforms to the content of the authorizing statutes: This amended administrative regulation conforms to the content of the authorizing statutes by establishing the requirements for licensure, continuing education, and reducing renewal fees for the Fiscal Year July 1, 2012, to June 30, 2014.

(d) How the amendment will assist in the effective administration of the statutes: This amended administrative regulation will assist in the effective administrative of the statutes by updating the established requirements for licensure, continuing education, and reducing renewal fees for the Fiscal Year July 1, 2012, to June 30, 2014.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 350 licensed home inspectors and potential applicants for a license as a home inspector.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This amended administrative regulation updates the established requirements for licensure, continuing education, and reduces the renewal fees for the Fiscal Year July 1, 2012, to June 30, 2014.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost to the entities identified will remain the same for initial applicants and will be reduced for renewals of existing licensees of the Board. A very few licensees of the Board may have slight increased costs by limiting the number of hours available to satisfy the continuing education requirements for hours received by teaching applicable courses

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The benefits include updating the established standards and reducing the renewal fees for the Fiscal Year July 1, 2012, to June 30, 2014.

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

(a) Initially: \$1,000 or more based on the administrative costs to the Board to issue and to renew licenses.

(b) On a continuing basis: \$1,000 or more based on the administrative costs to the Board to issue and to renew licenses.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Board's operation is funded by fees paid by the licensees and applicants.

(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 amended administrative regulation reduces the renewal fees for the Fiscal Year July 1, 2012, to June 30, 2014.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This amended administrative regulation reduces the renewal fees for the Fiscal Year July 1, 2012, to June 30, 2014.

(9) TIERING: Is tiering applied? No, this amended administrative regulation applies to all applicants for a license and to all applicants for renewal of licensure.

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? Kentucky Board of Home Inspectors.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 198B.706, KRS 198B.722(7)

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? Approx-

mately \$70,000 from both applicants for an initial license and license renewals.

(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? Approximately \$70,000 from both applicants for an initial license and license renewals.

(c) How much will it cost to administer this program for the first year? \$65,000.00

(d) How much will it cost to administer this program for subsequent years? \$70,000

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:

PROPOSED AMENDMENTS RECEIVED THROUGH NOON, APRIL 13, 2012

GENERAL GOVERNMENT CABINET
Board of Dentistry
(Amendment)

201 KAR 8:562. Licensure of dental hygienists.

RELATES TO: KRS 214.615, 304.40 - 075, 313.030, 313.040, 313.060, 313.080, 313.130, 313.254

STATUTORY AUTHORITY: KRS 214.615(2), 313.021(1)(a) - (c), 313.040(1), (2), (7), 313.254

NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.040 requires the board to promulgate administrative regulations relating to requirements and procedures for the licensure of dental hygienists. This administrative regulation establishes requirements and procedures for the licensure of dental hygienists.

Section 1. General Licensure Requirements. An applicant desiring licensure in the Commonwealth shall at a minimum:

(1) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, otherwise known as Level 4, verified by testing as necessary;

(2) Submit a completed, signed, and notarized Application for Dental Hygiene Licensure with an email contact address and an attached applicant photo taken within the past six (6) months;

(3) Pay the fee required by 201 KAR 8:520;

(4) Not be currently subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;

(5) Provide proof of completion of the requirements of KRS 214.615(1);

(6) Complete and pass the board's jurisprudence exam;

(7) Provide proof of having current certification in cardiopulmonary resuscitation (CPR) that meets or exceeds the guidelines ~~established~~set forth by the American Heart Association, incorporated by reference in 201 KAR 8:532;

(8) Submit to a criminal background check from the Administrative Office of the Courts in Kentucky, from the state or states of residence for the last five (5) years, or by fingerprint;

(9) Provide verification within three (3) months of the date the application is received at the office of the board of any license to practice dental hygiene held previously or currently in any state or jurisdiction;

(10) Provide proof that the applicant is a graduate of a Commission on Dental Accreditation (CODA) accredited dental hygiene school or college or dental hygiene department of a university;

(11) Provide proof that the applicant has successfully completed the National Board Dental Hygiene Examination, which is written and theoretical, conducted by the Joint Commission on National Dental Examinations; and

(12) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

Section 2. Requirements for Licensure by Examination. (1) Each individual desiring initial licensure as a dental hygienist by examination shall complete all of the requirements ~~established~~listed in Section 1 of this administrative regulation.

(2) Each individual desiring initial licensure as a dental hygienist by examination shall successfully complete a clinical examination within the five (5) years preceding the filing of his Application for Dental Hygiene Licensure~~[application]~~.

(a) Prior to July 15, 2013, the board shall accept the following regional clinical examinations:

1. The examination of the Council of Interstate Testing Agencies (CITA);

2. The examination of the Central Regional Dental Testing Service (CRDTS);

3. The examination of the North East Regional Board of Dental Examiners (NERB);

4. The examination of the Southern Regional Testing Agency (SRTA); or

5. The examination of the Western Regional Examining Board

(WREB).

(b) After July 15, 2013, the board shall only accept a nationalized clinical examination.

(3) An individual desiring initial licensure as a dental hygienist by examination more than two (2) years after fulfilling all of the requirements of his CODA accredited dental hygiene education shall:

(a) Hold a license to practice dental hygiene in good standing in another state or territory of the United States or the District of Columbia; or

(b) If the applicant does not hold a license to practice dental hygiene in good standing, complete a ~~board-approved~~board-approved refresher course prior to receiving a license to practice dental hygiene in the Commonwealth of Kentucky.

(4) An applicant who has taken a clinical examination three (3) times and failed to achieve a passing score shall not be allowed to sit for the examination again until the applicant has completed and passed a remediation plan prescribed by the board based on the applicant's deficiencies.

Section 3. Requirements for Licensure by Credentials. Each individual desiring initial licensure as a dental hygienist by credentials shall:

(1) Complete all of the requirements ~~established~~listed in Section 1 of this administrative regulation;

(2) Provide proof of having passed a state, regional, or national clinical examination used to determine clinical competency in a state or territory of the United States or the District of Columbia; and

(3) Provide proof that, for five (5) of the six (6) years immediately preceding the filing of the application, the applicant has been engaged in the active practice of dental hygiene while he or she was legally authorized to practice dental hygiene in a state or territory of the United States or the District of Columbia if the qualifications for the authorization were equal to or higher than those of the Commonwealth of Kentucky.

Section 4. Requirements for Charitable Limited Licensure. (1) Each individual desiring a charitable limited license shall:

(a) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, otherwise known as Level 4, verified by testing as necessary;

(b) Submit a completed, signed, and notarized Application for Charitable Dental Hygiene Licensure with an attached applicant photo taken within the past six (6) month;

(c) Not be subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;

(d) Have a license to practice dental hygiene in good standing in another state; and

(e) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) ~~An individual~~Individuals licensed ~~pursuant to~~under this section shall:

(a) Work only with charitable entities registered with the Cabinet for Health and Family Services ~~that~~which have met requirements of KRS 313.254 and 201 KAR 8:580;

(b) Only perform procedures allowed by KRS 313.254, which shall be completed within the duration of the charitable event;

(c) Be eligible for the provisions of medical malpractice insurance procured ~~pursuant to~~under KRS 304.40-075;

(d) Perform these duties without expectation of compensation or charge to the individual and without payment or reimbursement by any governmental agency or insurer; ~~and~~

(e) Have a charitable limited license that shall be good for two (2) years and expire during the regular dental hygiene renewal cycle; ~~and~~[-]

(f) Comply with reciprocity requirements if applicable,

1. A state that extends a reciprocal agreement shall comply with this section.

2. An individual shall notify the sponsor of a charitable clinic

and the board of the intent to conduct or participate in the clinic.

3. An individual conducting or participate in a charitable clinic shall have a license to practice dental hygiene in the state in which the dental hygienist practices.

Section 5. Minimum Continuing Education Requirements. (1) Each individual desiring renewal of an active dental hygiene license shall complete thirty (30) hours of continuing education that relates to or advances the practice of dental hygiene and would be useful to the licensee in his practice.

(2) Acceptable continuing education hours shall include course content designed to increase:

(a) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental hygiene treatment;

(b) Knowledge of pharmaceutical products and the protocol of the proper use of medications;

(c) Awareness of currently accepted methods of infection control;

(d) Knowledge of basic medical and scientific subjects including, biology, physiology, pathology, biochemistry, pharmacology, epidemiology, and public health;

(e) Knowledge of clinical and technological subjects;

(f) Knowledge of subjects pertinent to patient management, safety, and oral healthcare;

(g) Competency in assisting in mass casualty or mass immunization situations;

(h) Clinical skills through the volunteer of clinical charitable dental hygiene that meets the requirements of KRS 313.254;

(i) Knowledge of office business operations and best practices; or

(j) Participation in dental or dental hygiene association or society business meetings.

(3) A minimum of ten (10) hours shall be taken in a live interactive presentation format.

(4) A maximum of ten (10) hours total may be taken that meet the requirements of subsection (2)(h) - (j) of this section.

(5) All continuing education hours shall be verified by the receipt of a certificate of completion or certificate of attendance bearing:

(a) The signature of the provider;

(b) The name of the licensee in attendance;

(c) The title of the course or meeting attended or completed;

(d) The date of attendance or completion;

(e) The number of hours earned; and

(f) Evidence of the method of delivery if the course was taken in a live interactive presentation format.

(6) It shall be the sole responsibility of the individual dental hygienist to obtain documentation from the provider or sponsoring organization verifying participation as established~~[outlined]~~ in subsection (5) of this section and to retain the documentation for a minimum of five (5) years.

(7) At license renewal, each licensee shall attest to the fact that he or she has complied with the requirements of this section.

(8) Each licensee shall be subject to audit of proof of continuing education compliance by the board.

Section 6. Requirements for Renewal of a Dental Hygiene License. (1) Each individual desiring renewal of an active dental hygiene license shall:

(a) Submit a completed, signed, and notarized Application for Renewal of Dental Hygiene Licensure with an email contact address and an attached applicant photo taken within the past six (6) months;

(b) Pay the fee required by 201 KAR 8:520;

(c) Maintain with no more than a thirty (30) day lapse, CPR certification that meets or exceeds the guidelines established~~[set forth]~~ by the American Heart Association, incorporated by reference in 201 KAR 8:530, unless a hardship waiver is submitted to and subsequently approved by the board;

(d) Meet the requirements of KRS 214.615(1); and

(e) Meet the continuing education requirements as established~~[outlined]~~ in Section 5 of this administrative regulation except in the following cases:

1. If a hardship waiver has been submitted to and is subsequently approved by the board;

2. If the licensee graduated in the first year of the renewal biennium, in which case the licensee shall complete one-half (1/2) of the hours as established~~[outlined]~~ in Section 5 of this administrative regulation; and

3. If the licensee graduated in the second year of the renewal biennium, in which case the licensee shall not be required to complete the continuing education requirements established~~[outlined]~~ in Section 5 of this administrative regulation.

(2) If a licensee has not actively practiced dental hygiene in the two (2) consecutive years preceding the filing of the renewal application, he or she shall complete and pass a board-approved~~[board approved]~~ refresher course prior to resuming the active practice of dental hygiene.

Section 7. Retirement of a License. (1) Each individual desiring retirement of a dental hygiene license shall submit a completed and signed Retirement of License Form.

(2) Upon receipt of Retirement of License Form~~[this form]~~, the board shall send written confirmation of retirement to the last known address of the licensee.

(3) A licensee shall not retire a license that has pending disciplinary action against it.

(4) Each retirement shall be effective upon the processing of the completed and signed Retirement of License Form by the board.

Section 8. Reinstatement of a License. (1) Each individual desiring reinstatement of a properly retired dental hygiene license shall:

(a) Submit a completed, signed, and notarized Application for Dental Hygiene Licensure with an email contact address and an attached applicant photo taken within the past six (6) months;

(b) Pay the fee required by 201 KAR 8:520;

(c) Show proof of having current certification in CPR that meets or exceeds the guidelines established~~[set forth]~~ by the American Heart Association, incorporated by reference in 201 KAR 8:532;

(d) Provide verification within three (3) months of the date the Application for Dental Hygiene Licensure~~[application]~~ is received at the office of the board of any license to practice dental hygiene held previously or currently in any state or jurisdiction;

(e) Submit to a criminal background check from the Administrative Office of the Courts in Kentucky, from the state or states of residence for the last five (5) years, or by fingerprint; and

(f) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) If an individual is reinstating a license that was retired within the two (2) consecutive years immediately preceding the filing of the reinstatement application, the individual shall provide proof of having met the continuing education requirements as established~~[outlined]~~ in Section 5 of this administrative regulation within those two (2) years.

(3) If the applicant has not actively practiced dental hygiene in the two (2) consecutive years immediately preceding the filing of the Application to Reinstatement a Dental Hygiene License~~[reinstatement application]~~, the applicant shall complete and pass a refresher course approved by the board.

(4) If a license is reinstated in the first year of a renewal biennium, the licensee shall complete all of the continuing education requirements as established~~[outlined]~~ in Section 5 of this administrative regulation prior to the renewal of his license.

(5) If a license is reinstated in the second year of a renewal biennium, the licensee shall complete one-half (1/2) of the hours as established~~[outlined]~~ in Section 5 of this administrative regulation prior to the renewal of his license.

Section 9. Requirements for Verification of Licensure. Each individual desiring verification of a dental hygiene license shall:

(1) Submit a signed and completed Verification of Licensure or Registration Form; and

(2) Pay the fee required by 201 KAR 8:520.

Section 10. Requesting a Duplicate License. Each individual

desiring a duplicate dental hygiene license shall:

- (1) Submit a signed and completed Duplicate License or Registration Request Form; and
- (2) Pay the fee required by 201 KAR 8:520.

Section 11. Requirements for Local Anesthesia Registration.

(1) An individual who has completed a course of study in dental hygiene at a board-approved CODA accredited institution on or after July 15, 2010, which meets or exceeds the education requirements as established in KRS 313.060(10) shall be granted the authority to practice local anesthesia upon the issuance by the board of a dental hygiene license.

(2) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to administer local anesthesia and does not qualify to do so pursuant to~~under~~ Section 12(1) of this administrative regulation shall complete a training and education course as described in KRS 313.060(10).

(3) The training and education course shall be offered by at least one (1) of the following institutions in Kentucky:

- (a) University of Louisville School of Dentistry;
- (b) University of Kentucky College of Dentistry;
- (c) Western Kentucky University Dental Hygiene Program; and
- (d) Kentucky Community Technical College System Dental Hygiene Programs.

(4) Training received outside of Kentucky shall be from a CO-DA accredited dental or dental hygiene school and shall meet the requirements established in KRS 313.060(10).

(5) Once the required training is complete the applicant shall:

(a) Complete the Dental Hygiene Local Anesthesia Registration Application; and

(b) Pay the fee required by 201 KAR 8:520.

(6) Individuals authorized to practice pursuant to~~under~~ this provision shall receive a license from the board indicating registration to administer local anesthesia.

(7) A licensed dental hygienist shall not administer local anesthesia if the licensee does not hold a local anesthesia registration issued by the board.

(8) ~~A~~Any licensed dental hygienist holding a local anesthesia registration from the board who has not administered block anesthesia, infiltration anesthesia, or nitrous oxide analgesia for one (1) year shall complete a board-approved~~board-approved~~ refresher course prior to resuming practice of that specific technique.

Section 12. Requirements for General Supervision Registration. (1) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to practice under general supervision shall:

(a) Complete the General Supervision Registration Application;

(b) Meet the requirements of KRS 313.040(7)(a);

(c) Document through payroll records, employment records, or other proof that is independently verifiable, the dates and hours of employment by a dentist in the practice of dental hygiene that demonstrate the required two (2) years and 3,000 hours of experience;

(d) Successfully complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies that shall include, at a minimum, the following topics:

1. Medical history, including American Society of Anesthesiologists (ASA) classifications of physical status;
2. Recognition of common medical emergency situations, symptoms, and possible outcomes;
3. Office emergency protocols; and
4. Prevention of emergency situations during dental treatments.

(2) An individual authorized to practice pursuant to~~under~~ these provisions shall receive a license from the board indicating registration to practice under general supervision.

(3) A dentist who employs a dental hygienist who has met the standards of this administrative regulation and who allows the dental hygienist to provide dental hygiene services pursuant to KRS 313.040(7) shall complete a written order prescribing the dental service or procedure to be done to a specific patient by the dental hygienist and shall retain the original order in the patient's dental

record.

(4) The minimum requirements for the written order shall include:

- (a) Medical history update;
- (b) Radiographic records requested;
- (c) Dental hygiene procedures requested;
- (d) Name of the patient;
- (e) Date of last oral examination;
- (f) Date of the written order; and
- (g) Signature of the dentist.

(5) The oral examination of the patient by the supervising dentist shall have been completed within the seven (7) months preceding treatment by the dental hygienist practicing under general supervision.

(6) The supervising dentist shall evaluate and provide to the board written validation of an employed dental hygienist's~~hygienist's~~ skills necessary to perform dental hygiene services established in KRS 313.040(7) as part of the General Supervision Registration Application.

(7) The supervising dentist shall provide a written protocol addressing the medically compromised patients who may or may not be treated by the dental hygienist. The dental hygienist shall only treat patients who are in the ASA Patient Physical Status Classification of ASA I or ASA II as established~~listed~~ in Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, 2007 Edition, American Dental Association.

(8) A licensed dental hygienist shall not practice under general supervision if the licensee does not hold a general supervision registration issued by the board.

Section 13. Requirements for Starting Intravenous Access Lines. (1) An individual licensed as a dental hygienist in Kentucky and not subject to disciplinary action pursuant to~~under~~ KRS Chapter 313 who desires to start an intravenous (IV) access line while under the direct supervision of a dentist who holds a sedation or anesthesia permit issued by the board shall:

(a) Submit a signed and completed Application for Intravenous Access Line Registration;

(b) Pay the fee required by 201 KAR 8:520; and

(c) Submit documentation proving successful completion of a board-approved course in starting IV access lines.

(2) An individual authorized to practice pursuant to~~under~~ this provision shall receive a license from the board indicating registration to start IV access lines.

(3) A licensed dental hygienist shall not start an IV access line if the licensee does not hold a board-issued registration to start IV access lines.

Section 14. Requirements for Performing Laser Debridement.

(1) An individual licensed as a dental hygienist in Kentucky and not subject to disciplinary action pursuant to~~under~~ KRS Chapter 313 who desires to perform laser debridement while under the direct supervision of a dentist licensed by the board shall:

(a) Submit a signed and completed Application for Laser Debridement Registration;

(b) Pay the fee required by 201 KAR 8:520; and

(c) Submit documentation proving successful completion of a board-approved course in performing laser debridement.

(2) An individual authorized to practice pursuant to~~under~~ this provision shall receive a license from the board indicating registration to perform laser debridement.

(3) A licensed dental hygienist shall not perform laser debridement if the licensee does not hold a registration to do so issued by the board.

Section 15. Requirements for Public Health Registered Dental Hygienist Registration. (1) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to practice as a public health registered dental hygienist shall:

(a) Submit a completed Public Health Registered Dental Hygienist Application;

(b) Meet the requirements established in KRS 313.040(8);

(c) Document through payroll records, employment records, or other proof that is independently verifiable, the dates and hours of

employment by a dentist in the practice of dental hygiene that demonstrate the required two (2) years and 3,000 hours of experience;

(d) During each renewal cycle, successfully complete a live three (3) hour course that has been approved by the board on the identification and prevention of potential medical emergencies that shall include, at a minimum, the following topics:

1. Medical history, including American Society of Anesthesiologists (ASA) classifications of physical status;

2. Recognition of common medical emergency situations, symptoms, and possible outcomes;

3. Office emergency protocols; and

4. Prevention of emergency situations during dental treatments; and

(e) The requirements of paragraphs (c) and (d) may be met by previous registration pursuant to Section 12 of this administrative regulation.

(2) An individual authorized to practice pursuant to these provisions shall receive a certificate from the board indicating registration to practice as a public health registered dental hygienist.

(3) A public health registered dental hygienist desiring to maintain certification as a public health registered dental hygienist shall be required to complete at least five (5) hours of continuing education in the area of public health or public dental health during each renewal cycle.

(4) Pursuant to KRS 313.040(8)(c), a public health registered dental hygienist may practice in a government-created public health program at the following sites:

(a) Local health departments;

(b) Public or private educational institutions that provide Head Start, preschool, elementary and secondary instruction to school-aged children under the jurisdiction of the State Board of Education, and that have an affiliation agreement with the health department of jurisdiction;

(c) Mobile and portable dental health programs under contract with a governing board of health; and

(d) Public or private institutions under the jurisdiction of a federal, state, or local agency and other programs acceptable to the Cabinet for Health and Family Services and the board.

(5) A public health registered dental hygienist shall perform dental hygiene services only under the supervision of the governing board of health, as required by KRS 313.040(3)(b), as established in KRS 313.040(8), and as identified by the Department for Public Health Practice Reference.

(a) These services shall be limited to preventative services.

(b) The public health registered dental hygienist shall only treat a patient who is in the ASA Patient Physical Status Classification of ASA I or ASA II as established in the current edition of Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, American Dental Association.

(c) The informed consent shall be required prior to preventative services and shall include:

1. The name of the public health entity, including the name of the dentist, that assumes responsibility and control;

2. An inquiry as to the current dentist; and

3. A statement that services are provided by a dental hygienist without the direct supervision of a dentist.

(d) This administrative regulation shall not preclude a Kentucky-licensed dentist from directly participating in a public health program referenced in subsection 4(a), (b), (c), or (d) of this subsection.

(6) A public health registered dental hygienist shall refer each patient not currently under the care of a dentist to a licensed dentist for general dental needs.

(a) Each public health agency shall maintain a current list of available dentists for referral purposes.

(b) Documentation of the referral shall be maintained in the patient's health record within the health department organization as well as in a specific referral log.

(c) A general referral shall be made for a patient who has no obvious dental needs upon assessment.

(d) A specific referral shall be made for a patient who has an obvious pathologic area of concern that the public health registered dental hygienist determines should be assessed, diagnosed and

possibly treated. The specific referral shall be mailed to the last known address of the parent or legal guardian.

(e) Failure of the parent or legal guardian to comply with a specific referral provided for in paragraph (d) of this subsection shall result in contact being made with the patient's parent or legal guardian with a record in the patient's chart and specific referral log. Notification of the specific referral shall be provided to the dentist or physician member of the governing board of health.

(7) Standardized Protocols.

(a) Through the dentist member, each health department's governing board of health shall annually review and adopt standardized protocols, for the practice of the public health registered dental hygienist, that are incorporated in the Kentucky Public Health Practice Reference.

(b) A governing board of health without a dentist member on its governing board or member county board of health shall have protocols reviewed and recommended for adoption or not by the State Dental Director, who shall be a dentist.

(c) These standardized protocols shall also be reviewed and approved or denied by the board on an annual basis.

(d) Each public health registered dental hygienist shall comply with all formally adopted, standardized protocols.

Section 16. Issuance of Initial Licensure. If an applicant has completed the requirements for licensure the board shall:

(1) Issue a license in sequential numerical order; or

(2) Deny licensure due to a violation of KRS Chapter 313 or 201 KAR Chapter 8.

Section 17.[46:] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Dental Hygiene Licensure", January 2011;

(b) "Application for Charitable Dental Hygiene Licensure", July 2010;

(c) "Application for Renewal of Dental Hygiene Licensure", January 2011;

(d) "Retirement of License Form", July 2010;

(e) "Application to Reinstate a Dental Hygiene License", July 2010;

(f) "Verification of Licensure or Registration Form", July 2010;

(g) "Duplicate License or Registration Request Form", July 2010;

(h) "Dental Hygiene Local Anesthesia Registration Application", July 2010;

(i) "General Supervision Registration Application", July 2010;

(j) "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students", 2007 Edition;

(k) "Application for Intravenous Access Line Registration", July 2010; [and]

(l) "Application for Laser Debridement Registration", July 2010; and

(m) "Application for Laser Debridement Registration", March 2012.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. through 4:30 p.m. This material is also available on the board's Web site at <http://dentistry.ky.gov>.

DR. ADAM RICH, Board President

APPROVED BY AGENCY: April 11, 2012

FILED WITH LRC: April 9, 2012 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Thursday, May 31, 2012, at 9:00 a.m. at the office of the Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, KY 40222. Individuals interested in being heard at this hearing shall notify this agency in writing no later than five work 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 canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the emergency 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 emergency administrative regulation. Written comments shall be accepted until May 31, 2011. Send written notification of intent to be heard at the public hearing or written comments on the emergency administrative regulation to the contact person.

CONTACT PERSON: Brian K. Bishop, Executive Director, Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, KY, 40222. Phone (502) 429-7280, fax (502) 429-7282, email briank.bishop@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Brian K. Bishop, Executive Director

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements and procedures for the licensure of dental hygienist as mandated by KRS 313.040. This administrative regulation also establishes the requirements for the administration of local anesthesia by a licensed dental hygienist as required in KRS 313.060.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the requirements and procedures for the licensure of dental hygienist as mandated by KRS 313.040 and establishes the requirements for the administration of local anesthesia by a licensed dental hygienist as required in KRS 313.060.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation is necessary to implement KRS 313.040 and KRS 313.060, which requires the board to promulgate administrative regulations regarding the requirements the licensure of dental hygienist and the requirements for the administration of local anesthesia.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is necessary to implement KRS 313.040 and KRS 313.060, which requires the board to promulgate administrative regulations regarding the requirements the licensure of dental hygienist and the requirements for the administration of local anesthesia.

(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 the requirements to become a Public Health Registered Dental Hygienist which is required by KRS 313.040 (8).

(b) The necessity of the amendment to this administrative regulation: KRS 313.040 (8) requires the board to promulgate regulations for the Public Health Registered Dental Hygienist.

(c) How the amendment conforms to the content of the authorizing statute: The amendment sets the requirements to apply for registration and outlines the parameters under which they may practice.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will set the processes in place and insure the health, safety, and protection of the Citizens of the Commonwealth.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect the 2402 dental hygienist currently licensed by the board as well as any new dental hygienist licensed by the board in the future. Additionally, the Kentucky Board of Dentistry will be affected by this administrative regulation.

(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: There are no new actions for licensees to take in order to comply with this administrative regulation. The Kentucky Board of Dentistry is charged by KRS 313.040 to regulate the practice of dentistry in the Commonwealth.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): the fees established in 201 KAR 8:520 are:

(1) The initial licensure fee for a dental hygiene license applied for in a non-renewal year shall be \$125.

(2) The initial licensure fee for a dental hygiene license applied for in a renewal year shall be seventy-five (75) dollars.

(3) The renewal fee for a dental hygiene license appropriately renewed on or before the expiration of the license shall be \$110.

(4) The renewal reinstatement fee for a dental hygiene license renewed between January 1 and January 15 of the year following the expiration of the license shall be \$130 in addition to the renewal fee.

(5) The renewal reinstatement fee for a dental hygiene license renewed between January 16 and January 31 of the year following the expiration of the license shall be \$260 in addition to the renewal fee.

(6) The renewal reinstatement fee for a dental hygiene license renewed on or after February 1 of the year following the expiration of the license shall be \$520 in addition to the renewal fee.

(7) The initial dental hygiene anesthesia registration fee shall be fifty (50) dollars.

(8) The initial dental hygiene general supervision registration fee shall be fifty (50) dollars.

(9) The initial dental hygiene intravenous access line registration fee shall be fifty (50) dollars.

(10) The initial dental hygiene laser debridement registration fee shall be fifty (50) dollars.

(11) The fee for reinstatement of a properly retired dental hygiene license shall be \$125.

The Board is a self funded agency who's budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 and allotment of \$714,000.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Licensees who are in compliance will have the legal ability to practice dental hygiene in the Commonwealth of Kentucky. Kentucky Board of Dentistry is the regulatory agency and accrues no benefits from the regulations but rather provides enforcement of the chapter and processes for it licensees to legally practice dentistry in the Commonwealth.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: The Board is a self funded agency whose budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 and allotment of \$714,000. The Kentucky Board of Dentistry receives no monies from the General Fund.

(a) Initially: No additional costs are expected.

(b) On a continuing basis: No additional costs are expected.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The implementation and enforcement of this regulation are fully funded by licensing fees paid by dental hygienist as part of compliance with this 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: The fees found in 201 KAR 8:520 make the agency financially solvent.

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

(9) TIERING: Is tiering applied? Tiering is applied in as much as the dental hygienist wishes to undertake additional responsibilities allowed under the authority of the dentist for which he works. This administrative regulation establishes additional requirements for individual wishing to practice under the general supervision of the dentist, use lasers for debridement, or establish inter venous access on 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 Kentucky Board of Dentistry and the Kentucky Department for Public Health are the only state government entities which will be impacted by this regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS Chapter 313

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. There will be no new net fiscal affect on the Kentucky Board of Dentistry as the agency is a fully self funded agency and receives no general fund dollars.

(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? Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(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? Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(c) How much will it cost to administer this program for the first year? FY 2010 – 2011 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$705,400

(d) How much will it cost to administer this program for subsequent years? FY 2011 – 2012 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$714,000

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
Kentucky Board of Licensure for Ophthalmic Dispensers
(Amendment)

201 KAR 13:040. Licensing; application, examination; experience; renewal; and inactive status.

RELATES TO: KRS 326.020, 326.040, 326.080

STATUTORY AUTHORITY: KRS 326.020(3), 326.040, 326.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3) authorizes the board to promulgate administrative regulations to carry out the purposes and provisions of KRS Chapter 326. KRS 326.040 establishes the requirements for the issuance of a license including experience and passage of an examination. KRS 326.080 requires the annual renewal of licensure. This administrative regulation prescribes the forms, required examinations, experience, renewal requirements, and provisions for inactive status required for licensees.

Section 1. Application for License. (1) Any person wishing to obtain a license to practice as an ophthalmic dispenser, under KRS Chapter 326, shall make application to the Kentucky Board of Ophthalmic Dispensers on Form O.D. No. 1-00.

(2) An applicant for licensure as an apprentice shall complete Form O.D. No. 1A-00.

(3) The board shall admit to the practical examination any candidate who pays the required examination fee of fifty (50) dollars and who submits satisfactory evidence to the board, under oath, that he qualifies pursuant to KRS 326.040 and the administrative

regulations adopted by the board.

Section 2. Required Examinations. (1) The examination required pursuant to KRS 326.040(4) shall consist of passage of each of the following:

(a) The American Board of Opticians (ABO);

(b) The National Contact Lens Examiners (NCLE); and

(c) The NCSORB National Practical. [The practical examination established in Section 7 of this administrative regulation.]

(2) The ABO and the NCLE shall be:

(a) Taken before the expiration of thirty (30) months from the date of the original receipt of the apprentice license; and

(b) Passed within five (5) years of the date of the original receipt of the apprentice license.

(3) The practical examination shall not be taken until all other licensure requirements have been completed.

Section 3. Experience. In addition to the experience requirement established in KRS 326.040(3), the board may also count as qualifying experience any time spent:

(1) Attending a recognized school for ophthalmic dispensing; or

(2) Working in an optical laboratory as an ophthalmic technician.

Section 4. Licensure Renewal. (1) Each license shall be renewed each year on or before December 31.

(2) Each licensee shall complete and submit one (1) of the following:

(a) Renewal application form No. 2 for a licensed ophthalmic dispenser; or

(b) Renewal application form No. 2A for a licensed apprentice ophthalmic dispenser.

(3) For a renewal postmarked on or before December 31, the renewal fee shall be:

(a) Fifty (50) dollars for a licensed ophthalmic dispenser; or

(b) Twenty-five (25) dollars for an apprentice ophthalmic dispenser.

(4) In addition to the renewal fee, a ten (10) dollar penalty shall be paid on any renewal postmarked after December 31.

(5) In order to qualify for licensure renewal, a licensee shall comply with the continuing education requirements of KRS 326.020(3)(b) and 201 KAR 13:055.

Section 5. Temporary Permit Application. (1) The board may issue a temporary permit to a qualified ophthalmic dispenser, who otherwise would qualify for a license but is in the state on a temporary basis or who has not yet had an opportunity to take an examination to procure a license and whose immediate employment depends upon being licensed by the board.

(2) The permit shall be valid only until the next regular examination date and in no case shall exceed six (6) months following date of issuance.

(3) The fee for a temporary permit shall be fifty (50) dollars, which amount shall accompany the application.

Section 6. Board Action, Notification. (1) The board shall act only upon those applications which are completely and properly filled out by the applicant.

(2) Each applicant shall enclose the prescribed license fee in the form of a check or money order made payable to the Commonwealth of Kentucky State Treasurer.

(3) Applicants shall be notified of the action of the board; and, if favorable, when and where the examination will be held.

Section 7. Inactive Status. (1) Upon application, the board may grant inactive status to a licensee. While on inactive status, the licensee shall not engage in the practice of ophthalmic dispensing.

(2) The fee for licensure on inactive status shall be ten (10) dollars per year.

(3)(a) Continuing education requirements shall be waived for licensees on inactive status during the time they remain inactive.

(b) If at any time the inactive licensee applies to the board to return to active status, the licensee shall submit proof that he has completed six (6) hours of continuing education for ophthalmic

dispenser licensees and four (4) hours of continuing education for apprentice ophthalmic dispenser licensees within the last twelve (12) month period immediately preceding the date on which the application is submitted.

(c) The licensee may request that he be allowed to return to active status immediately, with the provision that he shall receive the appropriate number of continuing education hours within six (6) months of the date on which he returns to active status.

(d) Additionally, the licensee shall be responsible for meeting the requirements set forth in 201 KAR 13:055 in order to qualify for renewal.

(4) The reactivation fee for changing from inactive status to active status shall be forty (40) dollars for an ophthalmic dispenser licensee.

[Section 8. Practical Examination Content And Procedures. (1) The board shall hold examinations for candidates for ophthalmic dispensers' licenses at its regular March, July, and November meetings, and at other time as the board may determine.

(2) The examination of applicants for a license shall be upon the following subjects:

- (a) Ophthalmic lenses, including spectacle and contact lenses;
- (b) Dispensing procedure;
- (c) Visual aids;
- (d) Mathematics and physics; and
- (e) Mechanical optics including:

- 1. Pupillary distance;
- 2. Decentration; and
- 3. Base curve.

(3)(a) Examinations shall be conducted in a manner so that the result shall be entirely fair and impartial.

(b) The applicants shall be known by numbers only, so that no member of the board shall be able to identify the written examination of any applicant until it has been graded.

(c) All applicants examined at the same time shall have the same written questions.

(d) An applicant shall be required to make an average grade of seventy (70) with a minimum grade of fifty (50) in any one (1) branch.

(e) Part of the examination may be oral or demonstrative.

(4) All written, oral or demonstrative examinations administered by this board shall be conducted in the presence of at least one (1) board member.

(5) An applicant who has been rejected may become an applicant at any future examination by submitting a new application on a prescribed form and the payment of the required fee of fifty (50) dollars.

(6) An application for a license shall be filed with the board at least ten (10) days before the examination.]

Section 8 [9.] Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) Form O.D. 1-00, April 2012 [March 2004] edition;
- (b) Form O.D. 1A-00, April 2012 [March 2004] edition;
- (c) Renewal Application Form No. 2, April 2012 [March 2004] edition; and
- (d) Renewal Application Form No. 2A, April 2012 [March 2004] edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Ophthalmic Dispensers, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

CHERYL TURNER, Board Chair

APPROVED BY AGENCY: March 21, 2012

FILED WITH LRC: April 12, 2012 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2012 at 9:00 a.m. (EST) at 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five business 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 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 May 31, 2012 at 11:59 pm. 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: Lindsey Lane, Board Administrator, Kentucky Board of Licensure for Ophthalmic Dispensers, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296, ext. 228, fax (502) 696-4961.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation establishes renewal and reinstatement procedures for ophthalmic dispensers.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions KRS 326.020(3).

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by establishing procedures for the issuance and renewal of licenses.

(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 test for licensure will change.

(b) The necessity of the amendment to this administrative regulation: The necessity of amendment is to account for updated testing processes.

(c) How the amendment conforms to the content of the authorizing statutes: The statute gives the Board the authority to choose the test required for licensure.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will clarify which test is necessary for licensure.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately licensed ophthalmic dispensers.

(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: None, they are already licensed. New applicants will need to take a different test.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): None

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be a better pool of ophthalmic dispensers as the educational testing will be updated.

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

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(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 fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation estab-

lishes any fees or directly or indirectly increases any fees: This regulation does not establish fees.

(9) TIERING: Is tiering applied? Tiering is not applied to this 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? Kentucky Board of Ophthalmic Dispensers

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 326.020.

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. None

(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? None

(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? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

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 Kentucky Board of Licensure for Marriage and Family Therapists (Amendment)

201 KAR 32:035. Supervision of marriage and family therapist associates.

RELATES TO: KRS 335.320(6), 335.332

STATUTORY AUTHORITY: KRS 335.320(4), (5)

NECESSITY FUNCTION AND CONFORMITY: KRS 335.320(4) requires the board to license applicants who satisfy the experience and educational requirements and who have paid the fee. KRS 335.320(5) requires the board to review and approve supervision contracts between marriage and family therapy associates and their approved supervisors. This administrative regulation establishes the supervision requirements for marriage and family therapy associates and their board-approved supervisors.

Section 1. Definitions. (1) "Group supervision" means supervision of ~~three (3) to six (6)~~ ~~more than one (1), but less than seven (7),~~ supervisees with the supervisor.

(2) "Qualified mental health professional" means a licensed marriage and family therapist, licensed psychologist, licensed psychiatrist, licensed professional clinical counselor, or licensed clinical social worker

(3) "Raw data" means video recorded sessions, live observation, or co-therapy with a board-approved supervisor.

(4) "Individual supervision" means supervision of one (1) or two (2) supervisees with the supervisor.

Section 2. Qualifications for Board-Approved Supervisors Status. (1) Effective January 1, 2011, a board-approved supervisor shall be:

(a) An American Association of Marriage and Family Therapists (AAMFT) approved supervisor in good standing;

(b) An AAMFT supervisor in training;

(c) A marriage and family therapist licensed in Kentucky and in good standing with a minimum of five (5) years of experience in the practice of marriage and family therapy; or

(d) A person licensed and in good standing with a minimum of five (5) years of experience as a marriage and family therapist in another state, and who meets the licensure requirements for Kentucky.

(2) To obtain initial board-approved supervisor status, an applicant who is not an AAMFT supervisor or supervisor in training in good standing shall provide proof of completion of six (6) hours of board-approved continuing education courses in supervision.

(a) The course shall be taken within the two (2) years preceding the date of application to become a board-approved supervisor.

(b) This requirement shall be in addition to the fifteen (15) hours of continuing education required for licensure renewal.

(c) The approved courses may be live or online and shall include:

1. Kentucky law governing the practice of marriage and family therapy, both administrative regulations and statutes;

2. Theories of supervision;

3. Ethical issues involved in supervision; and

4. Supervisor responsibilities such as logs, treatment planning and recording.

(3) To maintain board-approved supervisor status, a non-AAMFT approved supervisor shall complete two (2) hours of continuing education in supervision every year. These two (2) hours shall be included in the fifteen (15) hours of continuing education required for licensure renewal.

(a) The courses may be live or online and shall include:

1. Kentucky law governing the practice of marriage and family therapy, both administrative regulations and statutes;

2. Theories of supervision;

3. Ethical issues involved in supervision; and

4. Supervisor responsibilities such as logs, treatment planning and recording.

(4) To renew as a board-approved supervisor, an AAMFT approved supervisor shall complete one (1) hour of continuing education every year in Kentucky law governing the practice of marriage and family therapy. The course may be attended live or on-line. The one (1) hour shall be included in the fifteen (15) hours of continuing education required for licensure renewal.

Section 3. Clinical Supervision. (1) Clinical supervision shall:

(a) Be equally distributed throughout the qualifying period and shall average at least four (4) hours per month as specified in the supervision contract;

(b) Be clearly distinguishable from psychotherapy, didactic enrichment, or training activities;

(c) Focus on raw data from the supervisee's current clinical work,

(d) Be direct, face-to-face contact between the supervisor and supervisee, unless an alternative form of supervision has been approved by the board based on undue burden for the supervisor or supervisee; and

(e) Continue until the supervisee is licensed by the Board.

(2) The supervision process shall focus on:

(a) Accurate diagnosis of client problems leading to proficiency in applying professionally recognized nomenclature and developing a plan for treatment as established in the Diagnostic and Statistical Manual of Mental Disorders;

(b) Development of treatment skills appropriate to the therapeutic process;

(c) Development of sensitivity to context and issues relating specifically to the family or individual being counseled;

(d) Acknowledgment of an awareness of the use of the professional self of the therapist in the process of therapy;

(e) Increased theoretical and applied knowledge for the therapist;

(f) Acquisition of a greater depth of knowledge and range of techniques in the provision of marriage and family therapy; and

(g) Awareness of ethical issues in practice, in order to safe-

guard and enhance the quality of care available to marriage and family therapy clients.

Section 4. Standards for Raw Data Used for Supervision. The use of raw data in a supervision session shall constitute a minimum of fifty (50) hours of the 200 hours of required supervision.

Section 5. In a therapy session involving a board-approved supervisor and supervisee:

(1) The role of the board-approved supervisor as a supervisor or co-therapist shall be clearly defined prior to beginning a therapy session; and

(2) The supervisees shall receive credit for client contact hours and supervision hours.

Section 6. Documentation Requirements. (1) The board-approved supervisor and marriage and family therapist associate shall maintain copies of the completed Supervision Log which shall document:

(a) The frequency and type of supervision provided; and

(b) The method of supervision utilized, such as observation, dialogue and discussion, and instructional techniques employed.

(2) No more than 100 hours of supervision hours may take place in group supervision.

Section 7. Number of Supervisees. (1) A board-approved supervisor shall not supervise more than six (6) marriage and family therapist associates at the same time, unless approved by the board.

(2) A request to supervise more than six (6) marriage and family therapist associates shall be submitted to the board for approval and shall demonstrate in writing the supervisor's plan and ability to supervise additional marriage and family therapist associates.

Section 8. Temporary Supervision. (1) In extenuating circumstances, if a marriage and family therapist associate is without supervision, the associate may continue working up to ninety (90) calendar days under the supervision of a qualified mental health provider while an appropriate board-approved supervisor is sought and a new supervision contract is submitted to the board. Extenuating circumstances include situations such as death or serious illness of the board-approved supervisor, a leave of absence by the supervisor, or the termination of the supervisor's employment.

(2) The supervisee shall notify the board of these circumstances and shall submit, in writing, a plan for resolution of the situation within thirty (30) calendar days of the change in status of board-approved supervision. The written plan shall include:

a. The name of the temporary supervisor;

b. Verification of the credential held by the temporary supervisor;

c. An address for the temporary supervisor; and

d. A telephone number for the temporary supervisor.

Section 9. Board-approved Supervisor's Responsibilities to Clients and Supervisees. (1) A board-approved supervisor shall be responsible for ensuring the proper and appropriate delivery of marriage and family therapy services to clients.

(2) A board-approved supervisor shall be responsible for fostering the professional competence and development of the marriage and family therapist associates under his or her supervision.

(3) A board-approved supervisor shall be responsible for compliance with the code of ethics established in 201 KAR 32:050 and take steps to ensure that supervisees comply with the code of ethics as well.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Diagnostic and Statistical Manual of Mental Disorders", 2009; and

(b) "Supervision log", 10/2011.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

SANDRA MILLER, Board Chairman

APPROVED BY AGENCY: March 27, 2012

FILED WITH LRC: March 28, 2012 at 1 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 23, 2012 at 10:00 AM Eastern Time at the Office of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 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 cancelled. This hearing is open to the public. Any person who wished 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 May 31, 2012. 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: Angela Evans, Board Counsel, Asst. Attorney General, Office of the Attorney General, 700 Capitol Avenue, Suite 118, Frankfort, Kentucky 40601, phone (502) 696-5300, fax (502) 564-6801.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Angela Evans

(1) Provide a brief summary of:

(a) What this administrative regulation does: The regulation changes the minimum number of supervisees for group supervision to three instead of two.

(b) The necessity of this administrative regulation: This regulation is necessary because language in a previous amendment erroneously reduced the number that has been the standard in the profession.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Board is given the authority to establish regulations for the practice and licensure of marriage and family therapy.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the qualifications to be a supervisor and the supervisor's role and duties to the supervisee.

(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 regulation changes the minimum of supervisees comprising group supervision back to its intended number of three (3) before the previous erroneous amendment was made.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to clarify the minimum of supervisees that constitute group supervision.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the authorizing statute by clarifying the number of supervisees that make up group supervision.

(d) How the amendment will assist in the effective and administration of the statutes: The amendment will change the number of associates consisting of group supervision to the recognized professional standard.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 495 individual marriage and family therapists and 140 associates.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this 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 the administrative regulation or amendment: Marriage and Family Therapist will be permitted to supervise two associates at the same time and it be considered individual supervision instead of group supervision.

(b) In complying with this administrative regulation or amend-

ment, how much will it cost each of the entities identified in question (3): Supervisees pay the supervisor for supervision, thus the cost is dependent on the duration of supervision and the supervisor's rate.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All associates and licensees will be operating under the same understanding of supervision and will allow associates to more easily obtain required individual supervision, as supervisors will be permitted to see two associates at the same time.

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

(a) Initially: There is no cost.

(b) On a continuing basis: There is no cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operation is funded by the registration fees paid by licensees and applicants.

(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: It will not be necessary to increase existing fees or funding to implement the regulation.

(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 fee.

(9) TIERING: Is tiering applied? Tiering was not applied as the criteria apply to all licensees.

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 Licensed Marriage & Family Therapists is housed for administrative purposes within the Office of Occupations and Professions in the Public Protection Cabinet.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 335.320 and KRS 335.332

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. Expenditures will not be affected by the regulation.

(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 from this 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? N/A.

(c) How much will it cost to administer this program for the first year? N/A

(d) How much will it cost to administer this program for subsequent years? N/A

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

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A

TOURISM, ARTS AND HERITAGE CABINET Kentucky Department of Fish and Wildlife Resources (Amendment)

301 KAR 2:041. Shooting areas, dog training areas, commercial foxhound training enclosures, and bobwhite shoot-to-train season.[areas and foxhound training enclosures.]

RELATES TO: KRS 150.010, 150.170, 150.180, 150.280, 150.630, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(28), 150.240(2)[150.175, 150.240]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.175(28) authorizes the issuance of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240(2) authorizes the department to promulgate administrative regulations governing public or commercial shooting areas. This administrative regulation establishes a bobwhite shoot-to-train season and other requirements to ensure uniform operation of shooting areas, dog training areas, and commercial foxhound training enclosures.[KRS 150.175(28) authorizes the issuance of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240 authorizes the department to promulgate administrative regulations governing public or commercial shooting areas. This administrative regulation establishes procedures to ensure uniform operation of shooting areas, dog training areas, foxhound training enclosures, and to protect native wildlife.]

Section 1. Definitions. (1) "Dog training area permit" means a permit that designates an area to allow dog training and shooting of captive-reared bobwhite quail.[year-round.]

(2) "Hoofed animal" means ungulate wildlife except wild hog and javelina.

(3) "Shooting area" means a place where animals are held or propagated in captivity and released to be taken by hunters.

Section 2. Seasons. (1) The dog training area season and the dog training area hunting season shall be year-round for:

(a) Captive-reared bobwhite quail; and

(b) Pheasant and chukar, pursuant to 301 KAR 3:030.

(2) The shooting area hunting seasons are as follows:

(a) Bobwhite quail: August 15 through April 15;

(b) Mallard ducks: year-round;

(c) Hoofed animals: September 1 through May 15; and

(d) All other species: the statewide season in effect where the shooting area is located.

(3) The bobwhite shoot-to-train season shall be from August 15 through May 15.

Section 3. Bobwhite Shoot-to-Train Requirements. (1) A person shall only shoot on private land.

(2) Prior to shooting, a person shall:

(a) Apply on a form provided by the department;

(b) Submit the completed application to the department;

(c) Possess a valid Kentucky hunting license or be license-exempt pursuant to KRS 150.170;

(d) Possess:

1. Proof of purchase of captive-reared bobwhite quail; or

2. A captive wildlife permit.

(e) Band all captive-reared bobwhite quail with:

1. Aluminum, #7 leg bands; or

2. Department-issued, aluminum leg bands;

(f) Walk and examine the entire area to be hunted to ensure that no wild bobwhite quail are present; and

(g) Release banded birds immediately prior to dog training or shooting.

(h) A person shall contact the department to update an application that is no longer accurate.

(3) The number of leg bands on the dog training or shooting site shall not exceed the number of captive-reared bobwhite pre-

sent on the site.

(4) A person shall comply with the holding and permit requirements established in 301 KAR 2:081 if:

(a) Captive-reared bobwhite quail are possessed for more than ten (10) days; or

(b) More than 100 captive-reared bobwhite quail are possessed.

Section 4. Permits, Applications, and Transfers. (1) A person shall obtain a permit from the department before operating the following:

(a) A shooting area for birds;

(b) A dog training area; or

(c) A commercial foxhound training enclosure.

(2) A new shooting area permit shall not be issued for hoofed animals.

(3) The following permits shall be valid from July 1 through June 30:

(a) Dog training area permit;

(b) Shooting area permit for birds; and

(c) Shooting area permit for hoofed animals in existence prior to March 8, 2002.

(4) A commercial foxhound training enclosure permit shall be valid for one (1) year from the date of issuance.

(5) A person shall only apply on a form provided by the department.

(6) An application for a dog training area shall not be approved until a department conservation officer or biologist inspects the area to determine if it meets the requirements in Section 6 of this administrative regulation.

(7) An applicant for a shooting area, dog training area, or commercial foxhound training enclosure shall provide documentation proving the applicant is the:

(a) Owner of the land where the facility is to be located; or

(b) Lessee of the land where the facility is to be located.

(8) A shooting area permit shall be transferable if:

(a) A currently permitted facility is sold to another entity;

(b) The facility is inspected by a conservation officer prior to transfer;

(c) The seller of the facility is compliant with the provisions of this administrative regulation; and

(d) The purchaser of the facility:

1. Completes a Shooting Area Transfer Form provided by the department; and

2. Provides a plat of the shooting area boundaries completed by a licensed surveyor.

(9) A transferred shooting area permit shall only be valid for the land that was permitted prior to the time of transfer.

(10) If ownership of a commercial foxhound training enclosure changes, then the new owner shall be responsible for applying for a new permit.

(11) A person hunting on a shooting area shall:

(a) Possess a valid Kentucky hunting license;

(b) Possess a valid shooting area hunting license;

(c) Possess a shoot-to-retrieve field trial permit; or

(d) Be hunting license exempt pursuant to KRS 150.170.

(12) A shooting area hunting license is only valid for one specific shooting area.

Section 5. Shooting Area Requirements. (1) The boundary of a shooting area shall be marked with signs:

(a) At least eight (8) inches by twelve (12) inches;

(b) Having a white background with contrasting letters at least one (1) inch high;

(c) That read "Shooting Area"; and

(d) Placed no more than 500 feet apart.

(2) A person shall check in at a designated check station or with the operator of a shooting area before hunting.

(3) A permit holder shall maintain a daily record of people using the area which includes each person's:

(a) Name;

(b) Address; and

(c) Hunting license number.

(4) A permit holder shall:

(a) Obtain a bill of sale or receipt for each purchase that contains the number of:

1. Game birds purchased; or

2. Game bird eggs purchased; and

(b) Retain previous year's records and receipts for at least one (1) full year.

(5) A permit holder shall possess a commercial captive wildlife permit, if applicable, pursuant to 301 KAR 2:081.

(6) A field trial may be held on a shooting area year-round.

Section 6. Dog Training Area Requirements. (1) A dog training area shall be between ten (10) and seventy-five (75) acres in size.

(2) The dog training area shall:

(a) Be contiguous;

(b) Consist of at least ninety (90) percent mowed or cut grass no greater than ten (10) inches in height;

(c) Have a marked boundary with signs:

1. At least eight (8) inches by twelve (12) inches high;

2. Having a white background with contrasting letters at least one (1) inch high;

3. That read "Dog Training Area"; and

4. Placed no more than 150 feet apart.

(3) A permit holder shall maintain a daily record of people using the area which includes each person's:

(a) Name;

(b) Address; and

(c) Hunting license number.

(4) A permit holder shall retain previous year's records and receipts for at least one (1) full year.

(5) A person using a dog training area shall possess:

(a) A bill of sale or receipt for any bobwhite quail released on the area; and

(b) A captive wildlife permit, if applicable, pursuant to 301 KAR 2:081.

(6) A field trial may be held on a dog training area year-round.

Section 7. Hoofed Animals. (1) A shooting area permit holder shall not import or release a hoofed animal.

(2) A grandfathered shooting area permit holder who legally holds hoofed animals shall:

(a) Keep a record of the:

1. Total number of each hoofed species taken;

2. Name of each hunter;

3. Address of each hunter;

4. Hunting license number of each hunter; and

5. Species taken by each hunter; and

(b) Submit to the department all records each month from September through May.

(3) A permit holder shall not import, possess, release, or hunt any member of the family Suidae.

Section 8. Commercial Foxhound Training Enclosures. (1) A commercial foxhound training enclosure shall:

(a) Be at least 200 acres;

(b) Be fenced to enclose foxes; and

(c) Not be divided by an interior fence that restricts the range of foxes to less than 200 acres.

(2) Two (2) or more enclosures under the same ownership or management may be licensed under the same permit if:

(a) Each enclosure is at least 200 acres in size; and

(b) The enclosures share a common fence.

(3) The permit holder shall provide for the foxes:

(a) Food;

(b) Water;

(c) Shelter from inclement weather; and

(d) At least one (1) of the following, which is sufficient to prevent capture by foxhounds, per every fifty (50) acres:

1. Natural den;

2. Constructed den;

3. Box; or

4. Hollow log.

(4) A fox held for release into an enclosure shall be confined to 301 KAR 2:081.

(5) A person shall not intentionally engage in an activity which

would cause foxhounds to injure or kill a fox in an enclosure.

(6) Fox chasing on permitted areas shall be considered an authorized field trial if a fox is not captured or killed.

(7) A person shall not take any wildlife within an enclosure except under legal statewide seasons and methods.

(8) The owner or operator of an enclosure shall:

(a) Allow a conservation officer to inspect the facility at any reasonable time; and

(b) Comply with all permitting requirements, if applicable, pursuant to 301 KAR 2:081.

Section 9. Revocation of Permits. (1) Revocation. A person who is convicted of a fish and wildlife violation, including KRS Chapter 150, KAR Title 301, and any federal fish and wildlife laws shall have his or her permit revoked for a period of three (3) years.

(2) Appeal Procedures. An individual whose request for a permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Shooting Area Permit Application", 2012 edition;

(b) "Commercial Foxhound Training Enclosure Permit Application", 2012 edition;

(c) "Dog Training Area Permit Application", 2004 edition;

(d) "Shooting Area Permit Transfer Application", 2012 edition; and

(e) "Bobwhite Quail Shoot-to-Train Application", 2012 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. [Section 2- Dog Training Area Season. (1) Captive-reared bobwhite: year round.

(2) Pheasant and chukar: year-round pursuant to 301 KAR 3:030.

Section 3. Shooting Area Hunting Seasons. (1) Bobwhite: August 15 through April 15.

(2) Mallard duck: year round.

(3) Hoofed animals: September 1 through May 15.

(4) Seasons for other species shall conform to those in effect where the preserve is located.

Section 4. Permits, Applications, and Transfers. (1) Without first obtaining a permit from the department, a person shall not operate:

(a) A shooting preserve for birds;

(b) A dog training area; or

(c) A foxhound enclosure with field trial authorization to exempt a participant from hunting license requirements.

(2) New permits shall not be issued for shooting areas for any hoofed animals.

(3) Dog training area permits, shooting area permits for hoofed animals in existence prior to March 8, 2002, and shooting area permits for birds shall be valid from July 1 through June 30 and renewable annually.

(4) An application:

(a) Shall be made on a form supplied by the department; and

(b) For a foxhound training enclosure permit shall be signed by each person having a financial interest in the area.

(5) The applicant for a permit shall produce evidence that he is the owner or a bona fide lessee of record of the land where he proposes to establish a shooting area or dog training area.

(6) A shooting area permit may be transferable if an existing and currently permitted shooting area is sold to a person or entity who will maintain and operate the shooting area.

(a) The shooting area permit holder who is transferring the permit shall be compliant with all provisions of this administrative regulation prior to transfer.

(b) Prior to transfer, the facility shall be inspected for compliance with this administrative regulation by a conservation officer.

(c) Prior to authorizing the transfer of a shooting area permit, the purchaser of the shooting area shall apply on a KDFWR shooting area transfer form, complete the form in its entirety, and shall

include a plat of the shooting area boundaries performed by a licensed surveyor.

(d) A transferred shooting area permit may be renewed each year by submitting a shooting area permit application on or before May 30.

(e) A transferred shooting area permit shall be given the same rights as the existing permitted facility at the time of transfer.

(f) A transferred shooting area permit shall only be valid for the land that was permitted prior to the time of the transfer and as described in the plat.

(7) An applicant for a foxhound enclosure permit shall provide evidence that he is the owner or operator of the enclosure.

(8) If the ownership or management of a foxhound training enclosure changes, the new owner or manager shall apply for a new permit.

(9) Prior to renewal of a permit, reporting requirements as established in Section 8 of this administrative regulation shall be met for the previous year.

Section 5. Shooting Area Hunting Licenses.

(1) Effective August 1, 2008, persons hunting solely on a shooting area shall be eligible to purchase a shooting area hunting license from the department's website.

Section 6. Shooting Area and Dog Training Area Inspection.

(1) Size requirements and posting:

(a) Shooting areas:

1. The boundary of a shooting area shall be marked with signs:

a. At least eight (8) inches by twelve (12) inches;

b. Having a white background with contrasting letters at least one (1) inch high;

c. Stating "Shooting Area"; and

d. Placed not be more than 500 feet apart.

(b) Dog Training Areas:

1. Size requirement: minimum size shall be ten (10) acres and maximum size shall be seventy-five (75) acres.

2. Inspection:

a. A department biologist or conservation officer shall inspect the area prior to application approval.

b. The area shall consist of mowed or cut grass with no more than ten (10) percent grain or food plots.

3. The boundary of a dog training area shall be marked with signs:

a. At least 8 in. x 12 in.;

b. Have a white background with contrasting letters at least one (1) inch high;

c. State "Dog Training Area"; and

d. Placed not more than 150 feet apart.

Section 7. Operating Requirements for Shooting Areas and Dog Training Areas. (1) A person shall not hunt or carry a gun on a shooting area before checking in at a designated check station or with the operator.

(2) A person shall not hunt or carry a gun on a shooting area or dog training area without a current Kentucky hunting license or shoot-to-retrieve field trial permit.

(3) A person observing but not participating in a field trial shall not be required to possess a hunting license.

(4) A field trial may be held throughout the year on a permitted shooting area or dog training area.

Section 8. Record Keeping and Reporting Requirements. (1) Shooting Areas:

(a) The permit holder shall maintain a daily record of hunting activities on the area showing the name, address and hunting license number of each person using the area.

(b) A shooting area operator shall obtain a receipt showing the number of game bird eggs or game birds purchased by species.

(c) A shooting area permit holder shall retain records and receipts for at least one (1) year.

(d) A person hunting on a shooting area or the shooting area operator shall have in his possession:

1. A bill of sale for birds released for hunting; or

2. A copy of the shooting area's commercial captive wildlife

permit.

(2) Dog Training Areas.

(a) The permit holder shall maintain a daily record of training or field trial activities on the area showing the name, address and hunting license number of each person using the area.

(b) A dog training area permit holder shall retain records and receipts for at least one (1) year.

(c) A person training dogs on a dog training area shall have in his possession;

1. A bill of sale for bobwhite released for training; or
2. A copy of their captive wildlife permit.

Section 9. Hoofed Animals. (1) A shooting area permit holder shall not import into or release a hoofed animal.

(2) The permit holder shall:

(a) Keep a record of:

1. The number of each hoofed species taken; and

2. The name, address, hunting license number and game killed by species by each hunter.

(b) At the end of each month from September through May, submit these records to the department.

(3) A permit holder shall not import, release or hunt wild hogs, javelinas, or any member of the family Suidae.

Section 10. Foxhound Training Enclosure Requirements. (1) To qualify for a permit, a foxhound training enclosure shall be:

(a) At least 200 acres;

(b) Fenced to enclose foxes; and

(c) Not divided by an interior fence that restrict the range of foxes to less than 200 acres.

(2) Two (2) or more enclosures under the same ownership or management may be licensed under the same permit if:

(a) Each is at least 200 acres; and

(b) The enclosures share a common fence.

(3) The operator shall provide:

(a) Proper food, water, and shelter from inclement weather for foxes within the enclosure.

(b) At least one (1) natural or constructed den, box or hollow log per fifty (50) acres, sufficient to hold the foxes within the enclosure, preventing their capture by hounds.

(c) If a fox is held for release into an enclosure, a cage:

1. Eight (8) feet long, four (4) feet wide and six (6) feet high;

2. With a shelf eighteen (18) inches wide, three (3) feet high and four (4) feet long; and

3. Containing an enclosed den box capable of housing a pair of foxes.

(4) A person shall not hold more than one (1) pair of foxes or a pair and their young less than one (1) year old per cage.

Section 11. Operations and Licensing Requirements on Foxhound Training Enclosures. (1) A person shall not intentionally engage in an activity which would cause foxhounds to injure or kill a fox in the enclosure.

(2) Fox chasing on permitted areas shall be considered an authorized field trial if a fox is not captured or killed.

(3) A person shall not take wildlife within an enclosure except under applicable administrative regulations and license requirements.

(4) An operator shall:

(a) Allow the department to inspect his facilities; and

(b) Comply with commercial pet and propagation permit requirements in obtaining and holding foxes.

Section 12. Revocation of Permits. (1) Revocation. A person convicted of a fish and wildlife violation including KRS Chapter 150, KAR Title 301, and federal wildlife laws shall have his permit revoked for a period of three (3) years.

(2) Appeal Procedures. An individual whose request for a permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

Section 13. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Shooting Area Permit Application", 2006;

(b) "Application for Commercial Foxhound Training Enclosure Permit," 1998;

(c) "Dog Training Area Permit Application", 2004; and

(d) "Shooting Area Permit Transfer Form", 2006.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

BENJY KINMAN, Deputy Commissioner,

For DR. JONATHAN GASSETT, Commissioner

MARCHETA SPARROW, Secretary

APPROVED BY AGENCY: March 2, 2012

FILED WITH LRC: April 12, 2012 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2012, at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business 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 canceled. This 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 by May 31, 2012. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Rose Mack, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-7109, ext 4507, fax (502) 564-9136, Email: fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a shoot-to-train bobwhite quail season and other requirements to ensure effective operation of shooting areas, dog training areas, and foxhound training enclosures.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to effectively manage hunting and shooting opportunities and native wildlife resources.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.175(28) authorizes the issuance of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240(2) authorizes the department to promulgate regulations governing public or commercial shooting areas.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing uniform requirements for the effective operation of shooting areas, dog training areas, and commercial foxhound training enclosures, and establishing requirements for a shoot-to-train bobwhite quail season.

(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 creates an open season for dog training and a shoot-to-train season for banded, pen-reared bobwhite quail, and clarifies the requirements for dog training areas.

(b) The necessity of the amendment to this administrative regulation: The amendment will provide additional opportunity for dog training of upland bird dogs.

(c) How the amendment conforms to the content of the author-

izing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: A total of 22 dog trainings areas exist and several thousand people train upland bird dogs.

(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: Individuals wanting to participate in the bobwhite shoot-to-train season will need to apply with department, and comply with the requirements of participating in this season, including leg-banding of the birds.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Participants in this new season will have to buy bird leg bands if they choose not to use leg bands provided by the department.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Individuals training upland bird dogs will have a greatly expanded opportunity to train dogs for pointing and retrieving.

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

(a) Initially: No increase in funding will be needed to carry out this amendment.

(b) On a continuing basis: No increase in funding will be needed to carry out this amendment on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(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 funding will be needed to carry out this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are established by this amendment.

(9) TIERING: Is tiering applied? No. All persons participating in dog training, bobwhite shoot-to-train season, or foxhound training enclosures are treated the same.

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 Department's Divisions of Wildlife and Law Enforcement will be impacted by this amendment.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025, 150.175, and 150.240.

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 amendment will not generate additional 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? The amendment will not generate additional revenue.

(c) How much will it cost to administer this program for the first year? Administrative costs should be negligible for the first year. The Department will need to spend several hundred dollars for bird

leg bands.

(d) How much will it cost to administer this program for subsequent years? Leg bands will need to be purchased in subsequent years. Several hundred dollars per year 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 (+/-):

Expenditures (+/-):

Other Explanation:

TOURISM, ARTS AND HERITAGE CABINET Kentucky Department of Fish and Wildlife Resources (Amendment)

301 KAR 2:049. Small game and furbearer hunting and trapping on public areas.

RELATES TO: KRS 150.010, 150.170, 150.370, 150.399, 150.400, 150.410, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), [450.025-] 150.620

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) [450.025] authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, and to make these requirements apply statewide or to a limited area. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation. This administrative regulation establishes exceptions to statewide small game and furbearer regulations on public areas.

Section 1. Definitions. (1) "Adult" means a person who is at least eighteen (18) years of age.

(2) "Upland bird" means a grouse or northern bobwhite.

(3) "Wildlife Management Area" or "WMA" means a tract of land:

(a) Controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) That has "Wildlife Management Area" or "WMA" as part of its official name.

(4) "Youth" means a person under the age of sixteen (16) by the date of the hunt.

Section 2. This administrative regulation shall establish exceptions to the statewide requirements established in 301 KAR 2:122, 2:251, and 3:010.

Section 3. On a Wildlife Management Area owned or managed by the department:

(1) A person shall wear hunter orange clothing if a firearm is allowed for deer hunting, as established in 301 KAR 2:172.

(2) The hunter orange clothing requirement in subsection (1) of this section shall not apply to a person hunting:

(a) Waterfowl; or

(b) Raccoon or opossum at night.

(3) There shall be a free youth small game hunting week for seven (7) consecutive days beginning on the Saturday after Christmas, a youth may take small game without a hunting license.

(4) There shall be a free youth trapping week for seven (7) consecutive days beginning on the Saturday after Christmas, in which a youth may trap without a trapping license.

Section 4. Exceptions on Specific Public Areas. (1) Barren River Wildlife Management Area.

(a) The WMA shall be considered to be entirely within the Eastern Zone, as established in 301 KAR 2:122;

(b) Northern bobwhite and rabbit seasons shall be closed after December 31; and

(c) On the Peninsula Unit, including Narrows, Goose and Grass Islands, a person shall not hunt with a breech-loading firearm:

(2) Beaver Creek WMA, including private inholdings.

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(a) Grouse season shall be open from October 1 through December 31; and

(b) Northern bobwhite and rabbit seasons shall be: closed after December 31.

(3) Big South Fork National River and Recreation Area, McCreary County.

(a) Grouse season shall be open from October 1 through December 31; and

(b) Northern bobwhite and rabbit seasons shall be: closed after December 31.

(4) Cane Creek WMA, including private inholdings.

(a) Grouse season shall be open from October 1 through December 31; and

(b) Northern bobwhite and rabbit seasons shall be: closed after December 31.

(5) Cedar Creek Lake WMA:

(a) Rabbit season shall be closed after December 31;

(b) Squirrel season shall coincide with the statewide season; and

(c) The area shall be closed to all other small game and furbearer hunting.

(6) Clay WMA.

(a) The area shall be closed for four (4) consecutive days beginning on the first Friday in December to all hunting except archery deer hunting and the pheasant quota hunt established in Section 5 of this administrative regulation;

(b) Rabbit season shall be closed after December 31;

(c) Grouse and northern bobwhite hunting shall be restricted to quota hunt dates established in Section 5 of this administrative regulation.

(d) Pheasant may be taken beginning on the Tuesday following the pheasant quota hunt through December 31.

1. Any person with a valid hunting license may take a pheasant; and

2. The daily limit per hunter shall be three (3) birds of either sex.

(e) Quota fox hunting field trials:

1. There shall be a maximum of two (2) four (4) day events per calendar year.

2. Each event shall be limited to 250 participants.

3. The area shall be closed to nonparticipants.

4. A participant shall:

a. Wear a laminated identification badge issued by the department during the event; and

b. Return the laminated badge at the close of the event.

(7) Curtis Gates Lloyd WMA.

(a) Northern bobwhite and rabbit seasons shall be closed after December 31.

(b) A person shall not allow a dog to be unleashed from April 1 until the third Saturday in August except if squirrel hunting.

(8) Dix River WMA:

(a) Northern bobwhite and rabbit seasons shall be closed after December 31.

(b) Grouse season shall be open from October 1 through December 31.

(9) Fleming WMA.

(a) Northern bobwhite and rabbit seasons shall be closed after December 31.

(b) Grouse season shall be open from October 1 through December 31.

(10) Green River Lake WMA.

(a) The area shall be closed to all hunting for four (4) consecutive days beginning on the third Friday in November except for archery deer hunting and the pheasant quota hunt established in Section 5 of this administrative regulation.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31.

(c) Pheasant.

1. Beginning on the Tuesday following the pheasant quota hunt through December 31, any person with a valid hunting license may take a pheasant.

2. The daily limit per hunter shall be three (3) birds of either sex.

(d) Grouse: closed to hunting and trapping.

(11) Higginson-Henry WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(12) Kleber WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(13) Lake Cumberland WMA.

(a) Grouse season shall be open from October 1 through December 31; and

(b) Northern bobwhite and rabbit seasons shall be: closed after December 31.

(14) Mill Creek WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(15) Miller-Welch Central Kentucky WMA.

(a) Small game and furbearer hunting seasons shall be closed, except that squirrel season shall be open; and

(b) A person shall not allow a dog to be unleashed:

1. From April 1 until the third Saturday in August; and

2. On a Monday, Wednesday, or Friday during the remainder of the year, except:

a. If a person is hunting squirrels during an open season; and

b. If a person is participating in an authorized field trial.

(16) Mullins WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(17) Nolin Lake WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(18) Otter Creek Outdoor Recreation Area.

(a) Except as authorized by the department, a person shall not enter the area during a deer quota hunt without a valid quota hunt confirmation number;

(b) Northern bobwhite season shall be closed;

(c) Rabbit hunting season shall be from December 1 through December 31;

(d) Trapping season shall be from January 1 through the last day in February;

(e) A person who traps on the area shall:

1. First obtain prior authorization from the area manager; and

2. Only trap in department designated areas;

(f) Except during deer quota hunts, a person shall not use the following to take furbearers:

1. A rifle;

2. Ball ammunition; or

3. Slug ammunition; and

(g) A person shall not use a rimfire gun to take small game, except during a deer quota hunt.

(19) Paul Van Booven WMA. The area shall be closed to vehicle access from an hour after sunset until an hour before sunrise. ~~(a) Shall be closed to vehicle access from an hour after sunset until an hour before sunrise; and~~

~~(b) Shall be closed to Northern bobwhite hunting.]~~

(20) Pennyryle Forest WMA.

(a) Grouse season shall be open from December 1 through December 31; and

(b) The daily limit shall be two (2).

(21) Pioneer Weapons WMA. A person shall not hunt with a breech-loading firearm.

(22) Robinson Forest WMA.

(a) Hunting shall not be permitted on the Main Block; and

(b) The remainder of the WMA shall be open under statewide requirements.

(23) Taylorsville Lake WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(24) Tradewater WMA.

(a) Grouse season shall be open from December 1 through December 31; and

(b) The daily limit shall be two (2).

(25) West Kentucky WMA.

(a) A person shall not hunt on "A" tracts;

(b) Northern bobwhite and rabbit seasons shall be closed after December 31 on Tracts 2, 3, 6, and 7;

(c) Northern bobwhite and rabbit seasons shall be open on Tracts 1, 4, and 5 one-half (1/2) hour before sunrise until 1 p.m. local time from January 1 through January 10, except if harvest limits are reached prior to January 10;

1. A hunter shall report harvest numbers and total hours hunted to the area supervisor on a daily basis; and

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2. If a tract is closed prior to January 10, a sign indicating closure shall be posted at the hunter check station at least twenty-four (24) hours prior to the closure; and

(d) A person shall not:

1. Use a rifle, ball, or slug ammunition;

2. Operate a vehicle on Tract 6 from February 1 through April 16; and

3. Allow a dog to be unleashed from April 1 until the third Saturday in August, except while squirrel hunting.

(26) Yellowbank WMA.

(a) Northern bobwhite and rabbit seasons shall be closed after December 31.

(b) Pheasant may be taken on the Tuesday following the pheasant quota hunt through December 31.

(c) A person shall:

1. Possess a valid hunting license to take pheasant, unless exempt pursuant to KRS 150.170; and

2. Not take more than three (3) pheasants of either sex.

Section 5. Pheasant Quota Hunts. (1) There shall be a pheasant quota hunt on: [hunt:]

(a) Green River Wildlife Management Area for three (3) consecutive days beginning the third Friday in November; [On the Green River Wildlife Management Area for three (3) consecutive days beginning the third Friday in November; and]

(b) [On] Clay Wildlife Management Area for three (3) consecutive days beginning the first Friday in December; and

(c) Yellowbank Wildlife Management Area for three (3) consecutive days beginning on the second Friday in December.

(2) There shall be a one (1) day clean-up hunt immediately following each of the hunts for pheasant quota hunters drawn for that particular WMA.

(3) Hunt hours for each day shall be from 9 a.m. to 4 p.m.:

(a) Eastern time for the Green River Wildlife Management Area and Clay Wildlife Management Area hunts; and

(b) Central time for the Yellowbank Wildlife Management Area hunt. [p.m. Eastern time.]

(4) During a quota hunt of clean-up hunt, a person shall wear orange clothing as specified in 301 KAR 2:172.

(5) The daily bag limit per hunter shall be two (2) birds of either sex, except there shall be a daily bag limit of three (3) birds of either sex during the one (1) day clean-up hunt.

(6) Pheasant quota hunt procedures.

(a) A person selected for a pheasant quota hunt may hunt on the one (1) day clean-up hunt for that area.

(b) A person applying for a pheasant quota hunt shall:

1. Not apply more than one (1) time for each hunt and shall not be drawn for more than one (1) hunt; and

2. Not apply as a group of more than five (5) people.

(c) A person who is drawn to hunt shall pay the pheasant quota hunt permit fee established in 301 KAR 3:022, prior to the hunt. [shall, by October 30, pay the permit fee established in 301 KAR 3:022, Section 5(2), by:

1. A check containing the drawn confirmation number;

2. A money order enclosed with the draw confirmation number;

or

3. Credit card via the department's Web site as an applicant reviews the drawing results.

(d) If a group is drawn to hunt, then one group member shall submit a single payment for the entire group along with the confirmation number data.]

Section 6. Northern Bobwhite and Upland Bird Quota Hunts. (1) There shall be one (1) day northern bobwhite quota hunts on two (2) tracts of Peabody WMA on the following days:

(a) The fourth Saturday in November, which shall only be a youth-mentor hunt;

(b) The Tuesday following the fourth Saturday in November;

(c) The Tuesday following the third Saturday in December;

(d) The first Saturday in January;

(e) The second Saturday in January; and

(f) The Tuesday following the third Saturday in January.

(2) There shall be one-day upland bird quota hunts on Clay WMA on the following days:

(a) On the Wednesday following the first Saturday in November;

(b) The third Sunday in November;

(c) The second Sunday in December; and

(d) The third Tuesday in December.

(3) A person participating in a quota hunt shall:

(a) Only hunt from one-half (1/2) hour before sunrise to two (2) p.m.;

(b) Wear hunter orange clothing pursuant to 301 KAR 2:172; and

(c) Not take more than four (4) northern bobwhite on a daily basis.

(4) A person who participates in an upland bird quota hunt:

(a) Shall not take more than four (4) grouse daily; and

(b) May take woodcock pursuant to the requirements established in 301 KAR 2:225.

(5) A person applying for a northern bobwhite or upland bird quota hunt shall:

(a) Not apply more than one (1) time for each hunt and shall not be drawn for more than one (1) hunt; and

(b) Not apply as a group of more than three (3) people.

(6) A person selected for a quota hunt shall only hunt the species identified on the permit.

Section 7. General Quota Hunt Requirements. (1) A person applying for a pheasant, northern bobwhite, or upland bird quota hunt shall:

(a) Call the toll-free number listed in the current Fall Hunting and Trapping Guide from a touch tone phone between September 1 and September 30;

(b) Enter each applicant's Social Security number;

(c) Indicate a choice of days to hunt; and

(d) Pay a three (3) dollar application fee for each applicant prior to the drawing by:

1. Check;

2. Money order;

3. Visa; or

4. MasterCard.

(2) A person, prior to participating in a quota hunt, shall be required to show:

(a) A department-issued quota hunt permit;

(b) A valid Kentucky hunting license or proof of exemption; and

(c) A hunter education card, if required.

(3) A person or group participating in a northern bobwhite or upland bird quota hunt shall submit a hunting log within seven (7) days [day] after the hunt.

(4) A youth-mentor quota hunt party shall have a minimum of one (1) youth as a member of the party.

(5) A person shall comply with all quota hunt requirements or be ineligible to apply for any other quota hunt during the following year, except for an elk quota hunt.

(6) A youth shall only apply as part of a party that has at least one (1) adult.

(7) The department may extend the application deadline if technical difficulties with the automated application system prevent applications from being accepted for one (1) or more days during the application period.

(8) A quota hunt applicant who is not selected and applies to hunt the following year shall be given one (1) preference point for each year the applicant was not selected.

(9) A random selection of hunters with preference points shall be made for each year's quota hunts before those without preference points are chosen.

(10) A person shall forfeit all accumulated points if, in a given year, they do not apply for the hunt in which points were earned.

BENJY KINMAN, Deputy Commissioner

For DR. JONATHAN GASSETT, Commissioner

MARCHETA SPARROW, Secretary

APPROVED BY AGENCY: March 2, 2012

FILED WITH LRC: April 12, 2012 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2012, at 9 a.m. at the Department of Fish and Wildlife

Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business 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 canceled. This 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 by May 31, 2012. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: ROSE Mack, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-7109, Ext. 4507, fax (502) 564-9136, Email fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation identifies exceptions from the statewide regulations for hunting small game and hunting and trapping furbearers on public lands.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to properly manage small game and furbearer populations, and to provide reasonable hunting and trapping opportunity on public lands.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the Department to promulgate administrative regulations establishing open seasons for the taking of wildlife, to regulate bag limits, and to make these requirements apply statewide or to a limited area. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of lands it has acquired for public recreation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists the administration of the statutes by establishing small game and furbearer hunting and trapping seasons and regulating hunting opportunity on public lands.

(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 will establish pheasant hunting on Yellowbank WMA, bobwhite hunting on Paul Van Booven, and establish preference points for quota hunts.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide more opportunity for small game hunting on Yellowbank and Paul Van Booven WMAs. Establishing a quota hunt preference point system will give hunters a more equitable chance of being drawn over a period of years.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: It is currently unknown how many hunters will be affected by this amendment, but the department estimates there are tens of thousands of small game hunters across the Commonwealth.

(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: Hunters will need to comply with the provisions of this amendment when using Yellowbank and Paul Van Booven WMAs. They will also be subject to the preference

point system process for quota hunts.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This regulation amendment does not directly increase any cost for hunters.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Hunting and trapping opportunity will increase for those entities and such opportunity will be maximized for quota hunts.

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

(a) Initially: This administrative regulation change will result in a minor cost for the department to administer.

(b) On a continuing basis: There will be a minor additional cost to administer on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(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. It will not be necessary to increase a fee or funding to implement this administrative regulation.

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

(9) TIERING: Is tiering applied? Tiering was not used because all hunters must comply with this 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? The Department's Divisions of Wildlife and Law Enforcement will be affected by this regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1) and KRS 150.620

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 change will not result in a change in revenues for the first year.

(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 change will not generate revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? There will be a minor cost to implement this new administrative regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be a minor cost to implementing this new administrative regulation for subsequent years.

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:

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TOURISM, ARTS AND HERITAGE CABINET Kentucky Department of Fish and Wildlife Resources (Amendment)

301 KAR 2:081. Transportation and holding of live native wildlife.

RELATES TO: KRS 150.015, 150.290, 150.305, 150.320, 150.330, 150.360, 150.370, 150.990

STATUTORY AUTHORITY: KRS 150.025(1)(c), 150.180, 150.280, 50 C.F.R. 21.29 [150.025, 150.180, 150.280]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(c) authorizes the department to promulgate administrative regulations for the buying, selling, or transporting of wildlife. KRS 150.180 authorizes the department to regulate the buying, selling, or transporting of protected wildlife. KRS 150.280 authorizes the department to promulgate administrative regulations to establish the procedures for the propagation and holding of protected wildlife. 50 C.F.R. 21.29 establishes the federal standards for holding raptors. [150.025 authorizes the department to regulate the buying, selling, or transporting of game and the seasons and methods of taking. KRS 150.180 authorizes the department to regulate the buying, selling, or transporting of protected wildlife. KRS 150.280 authorizes the department to promulgate administrative regulations to establish the procedures for the propagation and holding of protected wildlife.] This administrative regulation is necessary to control the indiscriminate possession and commercialization of wildlife, to ensure minimum welfare standards for lawfully possessed wildlife, to protect the public and native wildlife from wildlife-borne diseases, and to prevent the introduction of wildlife that might be detrimental to native fauna and flora.

Section 1. Definition. (1) "Circus" means a traveling public entertainment show consisting of acrobats, clowns, and trained animals, but shall not include a show including wrestling bears or other direct contact between members of the public and inherently dangerous animals.

(2) "Native wildlife" means wildlife species which have historically existed or currently exist in the wild in Kentucky without introduction by man, not including introduced species which have become naturalized.

Section 2. Taking and Possessing Native Wildlife. (1) A person shall not possess native wildlife that was not legally acquired.

(2) A person shall not do any of the following with native wildlife obtained from the wild:

- (a) Buy;
- (b) Sell;
- (c) Offer to buy;
- (d) Offer to sell; or
- (e) Trade or barter.

(3) Except as specified in Section 7 of this administrative regulation and subsections (5) and (5) of this section, a person holding native wildlife in captivity shall apply for and obtain a permit prior to acquiring wildlife.

(4) Northern bobwhite.

(a) 100 or fewer northern bobwhite may be possessed without a captive wildlife permit, provided the birds are not propagated or sold.

(b) A person possessing northern bobwhite for dog training areas or a shoot-to-train season shall comply with all applicable requirements of 301 KAR 2:041.

(c) Proof of purchase shall be retained as permission to possess.

(d) Confining facilities shall comply with Sections 8, 9, 10, and 11 of this administrative regulation.

(5) Amphibians and reptiles.

(a) Five (5) or fewer individuals of each species of native reptile or amphibian may be taken year round or possessed for personal use without a permit. Exception to taking or possessing five (5) individuals of each species:

- 1. No limit on snapping or softshell turtles;
- 2. Fifteen (15) per night limit on bullfrogs; and
- 3. Possession limit of twenty-five (25) dusky salamanders

(spring lizards) of the genus Desmognathus.

(b) There shall be no limit on the number of individuals of each species possessed by a commercial or noncommercial captive wildlife permit holder, provided the permit holder does not possess more than five (5) wild-caught individuals of each species of amphibian or reptile.

(c) A captive wildlife permit shall not be required to hold reptiles with a color morphology that is distinctly different from the wild type of the same species of reptile.

Section 3. Captive Wildlife Permits and Record Keeping. (1) Commercial captive wildlife permit.

(a) A commercial captive wildlife permit shall be required for a person to:

- 1. Sell;
- 2. Offer to sell;
- 3. Trade; or
- 4. Barter native wildlife.

(b) A commercial captive wildlife permit shall be renewable annually from the date of issue.

(2) Noncommercial captive wildlife permit.

(a) A noncommercial captive wildlife permit shall be required for a person possessing native wildlife, but not selling, offering to sell, trading or bartering animals.

(b) A noncommercial captive wildlife permit shall be renewable three (3) years from the date of issue.

(3) A captive wildlife permit holder shall maintain accurate records for all captive-bred and wild-captured wildlife and include the following information:

(a) For each captive-bred animal:

- 1. Common and scientific name;
- 2. The following evidence of legal acquisition:
 - a. Bill of sale;
 - b. Receipted invoice; or
 - c. Certificate of origin.
- 3. Date of birth;
- 4. Each transaction date related to:
 - a. Sale;
 - b. Purchase;
 - c. Trade;
 - d. Barter; or
 - e. Gifting; and
- 5. The following information for the person either receiving or transferring captive wildlife:
 - a. Name;
 - b. Address;
 - c. Phone number; and
 - d. The person's captive wildlife permit number.

(b) For each wild-captured animal:

- 1. Common and scientific name;
- 2. Date of capture or date when received;
- 3. Location of capture;
- 4. Trapping license or hunting license number, if applicable, of the individual obtaining the wildlife; and
- 5. The following information for the person to whom the animal was given or received:
 - a. Name;
 - b. Address;
 - c. Phone number; and
 - d. The person's captive wildlife permit number.

(4) A captive wildlife permit holder shall:

- (a) Maintain all records for five (5) years; and
- (b) Allow records to be inspected by a department representative upon request.

Section 4. Transportation Permits and Certificate of Veterinary Inspection. (1) A person shall apply for and obtain a valid transportation permit or permit authorization number from the department for all shipments of wildlife, native or exotic, unless otherwise exempted by this or another administrative regulation, prior to:

- (a) Receiving a shipment of wildlife;
- (b) Importing wildlife into Kentucky; or
- (c) Transporting wildlife into and through the state to a destination outside Kentucky.

(2) A copy of a valid transportation permit or permit authorization number shall accompany all shipments of wildlife into and through Kentucky.

(3) An individual transportation permit shall be valid for one (1) shipment of wildlife.

(4) An annual transportation permit shall be valid for multiple wildlife shipments for one (1) year from the date of issue.

(5) All shipments of wildlife, except for amphibians and reptiles, shall be accompanied by:

(a) A certificate of veterinary inspection stating that the wildlife is free from symptoms of disease; or

(b) A federal quarantine certificate.

Section 5. Applying for Permits. (1) A person shall complete an application for a captive wildlife or transportation permit on a form supplied by the department.

(2) An applicant for a captive wildlife permit shall indicate one of the following legal sources for obtaining the wildlife:

(a) A legal purchase or transfer of captive-bred animals from a commercial captive wildlife permit holder;

(b) A receipt, if it is a gift from a commercial or noncommercial captive wildlife permit holder;

(c) Trapping during a legal season for the species with a valid trapping license, if applicable;

(d) A legal out-of-state source when accompanied by a valid transportation permit.

(3) Following permit issuance, the permit holder shall retain records as specified in Section 3(3) and (4) of this administrative regulation.

(4) An applicant shall construct holding facilities that meet or exceed the enclosure specifications established in Sections 8 and 9 of this administrative regulation for each listed species to be acquired before submitting the captive wildlife application.

(5) The department shall deny a captive wildlife or transportation permit to an applicant that:

(a) Is less than eighteen (18) years of age;

(b) Has been convicted within the last year of a violation of:

1. This administrative regulation; or

2. 301 KAR 2:082.

(c) Does not submit a completed application; or

(d) Does not remit the correct fee pursuant to 301 KAR 3:022.

(6) The department shall deny a captive wildlife permit to an applicant that:

(a) Has acquired wildlife prior to receiving an approved captive wildlife permit except as allowed in Sections 2(4) and (5) of this administrative regulation;

(b) Holds a wildlife rehabilitation permit as specified in 301 KAR 2:075.

(7) An annual transportation permit holder shall notify the department of any amendments to the original application at least forty-eight (48) hours prior to any wildlife shipment by calling the department by telephone at 800-858-1549, Monday through Friday, between 8 a.m. and 4:30 p.m. Eastern time.

(8) A person importing and possessing native wildlife shall be responsible for following local ordinances and rules regarding captive wildlife.

Section 6. Prohibited Species. (1) Except as specified in Section 7 of this administrative regulation, a person shall not import, transport, or possess:

(a) Alligator snapping turtle (*Macrochelys temminckii*);

(b) Black bear (*Ursus americanus*);

(c) Copperbelly water snake (*Nerodia erythrogaster neglecta*);

(d) Cougar or mountain lion (*Felis concolor*);

(e) Wild turkey (*Meleagris gallopavo*); or

(f) Wolf (*Canis lupus*)

(2) The following species shall not be imported into or transported through Kentucky, except as specified in Section 7 of this administrative regulation:

(a) Coyotes (*Canis latrans*);

(b) Foxes (*Vulpes* spp.; *Alopex lagopus*; *Urocyon cinereoargenteus*);

(c) Raccoons (*Procyon lotor*); or

(d) Skunks (*Mephitis* spp.; *Spilogale putorius*; *Conepatus*

leuconotus).

Section 7. Exemptions. (1) A facility that is accredited by the American Zoo and Aquarium Association shall:

(a) Not be required to obtain a transportation permit for native wildlife; and

(b) Be allowed to import, transport, and possess the prohibited species listed in Section 6(1) and (2) of this administrative regulation.

(2) Upon written request, the department shall consider an exemption for the importation or possession of the prohibited species listed in Sections 6(1) and (2) for legitimate scientific or educational purposes by the following entities:

(a) A facility that is designated as the official zoo of a municipality;

(b) A government agency;

(c) A college or university; or

(d) A licensed or accredited institution of:

1. Research; or

2. Education.

Section 8. Confining Facilities. (1) Cages, pens, or other enclosures for confining native wildlife shall be of sufficient structural strength to:

(a) Prevent the escape of the captive animals;

(b) Protect the caged animal from injury and predators; and

(c) Prevent the entrance of free individuals of the same species.

(2) Wing-clipped and pinioned birds may be kept in suitable unroofed enclosures even though wild birds of the same species may enter the enclosure.

(3) A person shall not maintain any native wildlife in captivity in an unsanitary or unsafe condition or in a manner that results in the maltreatment or neglect of that wildlife.

(4) Native wildlife shall not be confined in any cage or enclosure that does not meet the cage specifications in Section 9 of this administrative regulation.

(5) Cages and enclosures shall be maintained as follows:

(a) Clean drinking water shall be provided daily in clean containers;

(b) Swimming or wading pools shall be cleaned as needed to ensure good water quality;

(c) Enclosures shall provide adequate drainage of surface water;

(d) A captive mammal or bird shall be fed daily;

(e) Food shall be:

1. Of a type and quantity that meets the nutritional requirements for the particular species; and

2. Provided in an unspoiled and uncontaminated condition;

(f) Feeding containers shall be kept clean, and uneaten food removed within a reasonable time;

(g) A shelter shall be provided for security and protection from inclement weather;

(h) Shade or an overhead structure shall be provided in warm seasons;

(i) Fecal and food waste shall be:

1. Removed from cage daily; and

2. Stored or disposed of in a manner that prevents noxious odors or insect pests;

(j) Cage and enclosures shall be ventilated to prevent noxious odors;

(k) Hard floors within cages or enclosures shall be cleaned a minimum of once per week;

(l) Cages or enclosures with dirt floors shall be raked a minimum of once every three (3) days with the waste removed;

(m) Animals that are compatible may be held in the same enclosure if the required floor space is provided; and

(n) Common walls shall be constructed between animals that are not compatible so the animals cannot interact.

Section 9. Minimum Enclosure Sizes and Associated Requirements for Stationary Facilities. (1) Birds.

(a) Northern bobwhite older than fourteen (14) weeks shall be held in an enclosure with the following minimum specifications:

1. An enclosure for a single Northern bobwhite shall be a minimum of 100 square feet.

2. There shall be an increase in one (1) square foot per additional bobwhite.

3. Bobwhite may be held in smaller breeding pens during the breeding season.

(b) A duck shall be held in an enclosure with the following minimum specifications:

1. No more than two (2) pairs or one (1) pair and their offspring prior to first molt shall be confined to an area smaller than 100 square feet;

2. There shall be at least ten (10) square feet of water that is one (1) foot or greater in depth; and

3. There shall be at least twenty (20) square feet of additional land space and five (5) square feet of water surface for each additional adult duck.

(c) A goose shall be held in an enclosure with the following minimum specifications:

1. No more than two (2) pair or one (1) pair and their offspring prior to first molt shall be confined to an area smaller than 500 square feet;

2. There shall be a minimum of fifty (50) square feet of water that is two (2) feet or greater in depth; and

3. There shall be at least 100 square feet of land and twenty-five (25) square feet of water surface for each additional adult goose.

(d) Ruffed grouse shall be held in an enclosure with the following minimum specifications:

1. 200 square feet of floor space for five (5) or fewer birds with a height of at least six (6) feet; and

2. There shall be an additional twenty (20) square feet of floor space for each additional bird.

(e) Raptors shall be held in an enclosure meeting the federal falconry standards described in 50 C.F.R. Part 21.29.

(2) Mammals.

(a) A bat shall be kept in an enclosure with the following minimum specifications:

1. A little brown bat, long-eared bat and pipistrelle shall be kept in an enclosure that is at least 6 ft. x 6 ft. x 6 ft.

2. An evening or red bat shall be kept in an enclosure that is at least 8 ft. x 12 ft. x 8 ft.

3. A big brown or hoary bat shall be kept in an enclosure that is at least 10 ft. x 20 ft. x 8 ft.

(b) A fox, bobcat, or raccoon shall be held in an enclosure with the following minimum specifications:

1. A single animal enclosure shall be 8 ft. x 8 ft. x 6 ft.; and

2. There shall be thirty (30) square feet floor space for each additional animal.

(c) A coyote shall be held in an enclosure with the following minimum specifications:

1. A single animal enclosure shall be 8 ft. x 8 ft. x 6 ft.; and

2. There shall be twenty-five (25) square feet floor space for each additional animal.

(d) A beaver or otter shall be held in an enclosure with the following minimum specifications:

1. A single animal enclosure shall be 8 ft. x 12 ft. x 6 ft. with a 4 ft. x 6 ft. pool that is three (3) feet deep at one (1) end;

2. There shall be an increase in horizontal cage size and pool size by eight (8) square feet for each additional animal.

3. An otter shall have a slide and a dry place for sleeping and retreat; and

4. A beaver shall be supplied with gnawing logs and a dry place for sleeping and retreat.

(e) Muskrat and mink shall be held in an enclosure with the following minimum specifications:

1. A single animal enclosure shall be 6 ft. x 4 ft. x 3 ft. with a 2 ft. x 4 ft. pool which is two (2) feet deep at one (1) end;

2. There shall be an increase in horizontal cage size by eight (8) square feet and a pool size of two (2) square feet; and

3. A muskrat shall have gnawing material.

(f) A gray squirrel, fox squirrel, or flying squirrel shall be held in an enclosure with the following minimum specifications:

1. A single animal enclosure shall be 4 ft. x 4 ft. x 8 ft.; and

2. There shall be an increase in floor space by two (2) square

feet for each additional animal.

(g) A skunk, opossum, rabbit, or woodchuck shall be held in an enclosure with the following minimum specifications:

1. A single animal enclosure shall be 6 ft. x 8 ft. x 8 ft.;

2. There shall be an increase in floor space by four (4) square feet for each additional animal; and

3. A woodchuck shall have several gnawing logs approximately six (6) inches in diameter.

(h) A weasel shall be held in an enclosure with the following minimum specifications:

1. A single animal enclosure shall be 3 ft. x 3 ft. x 3 ft.; and

2. There shall be an increase in floor space by three (3) square feet for each additional animal.

Section 10. Mobile Facility. A mobile facility used in transporting native wildlife shall meet the following requirements:

(1) It shall be equipped to provide fresh air without injurious drafts and adequate protection from the elements;

(2) The animal housing area shall be free of engine exhaust fumes;

(3) A cage shall be large enough to ensure that each animal has sufficient room to stand erect and lay naturally;

(4) The structural strength of the enclosure shall be sufficient to contain the live animals and to withstand the normal rigors of transportation; and

(5) Wildlife transported in the same cage area shall be in compatible groups.

Section 11. Temporary Facility. Native wildlife housed in a temporary facility or exhibit shall be housed in a cage that meets the minimum cage specifications provided in Section 8 of this administrative regulation if present in any geographical location for more than ten (10) days.

Section 12. Inspections and Permit Revocation. (1) A permit holder shall allow a conservation officer to inspect the holding facilities at any reasonable time.

(2) The conservation office shall immediately notify the permit holder if the inspection reveals a violation of any provision of this administrative regulation.

(3) A captive wildlife permit shall be revoked for a period of one (1) year and all captive wildlife confiscated if a violation is not corrected within ten (10) days of the initial inspection.

(4) A fee shall not be refunded for a permit that is revoked.

(5) An individual whose permit has been revoked may request an administrative hearing pursuant to KRS Chapter 13B.

Section 13. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Captive Wildlife Permit Application", 2012 edition;

(b) "Annual Transportation Permit Application", 2012 edition; and

(c) "Individual Transportation Permit Application", 2012 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. [wildlife which have historically existed or currently exist in the wild in Kentucky without introduction by man, not including naturalized introduced species such as starlings, house sparrows and Eurasian collared doves.

Section 2. Exemptions. Transportation permits and captive wildlife permits shall not be required for the importation or possession of species listed in this administrative regulation by facilities that are accredited by the American Zoo and Aquarium Association.

Section 3. (1) Except as specified in Section 2 of this administrative regulation and subsection (2) of this section, a person shall not import or possess:

(a) Alligator snapping turtle (*Macrochelys temminckii*);

(b) Black bear (*Ursus americanus*);

(c) Copperbelly water snake (*Nerodia erythrogaster neglecta*);

- (d) Cougar or mountain lion (*Felis concolor*);
- (e) Any federally threatened or endangered species;
- (f) Wild turkey (*Meleagris gallopavo*); or
- (g) Wolf (*Canis lupus*).
- (2) The commissioner may allow the importation or possession of the species listed in subsection (1) of this section by circuses or for legitimate scientific or educational purposes by:
 - (a) A zoo that is designated as the official zoo of a municipality.
 - (b) A government agency;
 - (c) A college or university; or
 - (d) A similar educational or research institution.

Section 4. Importation prohibited. (1) The following species shall not be imported into Kentucky unless specified in Section 2 of this administrative regulation or subsection (2) of this section:

- (a) Coyotes (*Canis latrans*);
- (b) Foxes (*Vulpes* spp.; *Alopex lagopus*; *Urocyon cinereoargenteus*);
- (c) Raccoons (*Procyon lotor*); and
- (d) Skunks (*Mephitis* spp.; *Spilogale putorius*; *Conepatus leuconotus*).

(2) The commissioner may allow the importation or possession of the species listed in subsection (1) of this section by circuses or for legitimate scientific or educational purposes by:

- (a) A zoo that is:
 - designated as the official zoo of a municipality.
 - (b) A government agency;
 - (c) A college or university; or
 - (d) A similar educational or research institution.

Section 5. Taking and Possessing Native Wildlife. (1) A person shall not hold native wildlife in captivity that was not legally taken or possessed. A person shall not buy or sell, offer to buy or sell, trade, or barter native wildlife or parts thereof, obtained from the wild.

(2) Except as specified in Section 2 of this administrative regulation and subsections (7) and (8) of this section, a person holding native wildlife in captivity shall apply for and obtain a permit prior to acquiring wildlife.

(3) A person permitted to rehabilitate native wildlife as specified in 301 KAR 2:075 shall not be issued a commercial or non-commercial captive wildlife permit.

(4) A commercial and noncommercial captive wildlife permit holder shall maintain accurate records for captive bred and wild-captured wildlife for five (5) years. Records shall be available for inspection by a department representative. Records shall include:

- (a) For each captive-bred animal:
 - 1. Common and scientific name;
 - 2. A certificate of origin, bill of sale, receipted invoice or evidence of legal acquisition from out of state;
 - 3. Date of birth;
 - 4. Date of each transaction related to the sale, purchase, trade, barter or gifting; and
 - 5. The complete name, address, phone number and captive wildlife permit number of the person to whom the animal was sold, traded, bartered or gifted or from whom the animal was purchased or otherwise received.

- (b) For each wild-captured animal:
 - 1. Common and scientific name;
 - 2. Date and location of capture from the wild or date when received or given as a gift;
 - 3. Trapping or hunting license number of the individual obtaining the animal except for reptiles and amphibians; and
 - 4. The complete name, address, phone number and captive wildlife permit number of the person to whom the animal was gifted or from whom the animal was received as a gift.

(5) Commercial captive wildlife permit.

(a) A commercial captive wildlife permit shall be required for persons selling, offering to sell, trading, or bartering native wildlife.

(b) A commercial captive wildlife permit shall be renewable annually from the date of issue.

(6) Noncommercial captive wildlife permits.

(a) A noncommercial captive wildlife permit shall be required for persons possessing native wildlife, but not selling, offering for

sale, trading or bartering animals.

(b) A noncommercial captive wildlife permit shall be renewable three (3) years from the date of issue.

(7) Northern bobwhite.

(a) Fifty (50) or fewer Northern bobwhite may be possessed for personal use without a permit, provided the birds are not propagated or sold.

(b) Proof of purchase shall be retained as permission to possess.

(8) Amphibians and reptiles.

(a) Except as provided for in Section 2 of this administrative regulation and this subsection, captive wildlife permits are not required for persons taking or possessing up to five (5) individuals of each species of a native reptile or amphibian. Exception to taking or possessing five (5) individuals of each species:

- 1. No limit on snapping and smooth and spiny softshell turtles;
- 2. Fifteen (15) per night limit on bullfrogs; and

3. Possession limit of twenty-five (25) dusky salamanders (spring lizards) of the genus *Desmognathus*.

(b) There shall not be a limit on the number of individuals of each species possessed by a commercial or noncommercial captive wildlife permit holder, provided the permit holder does not possess more than five (5) wild-caught individuals of each species of amphibian or reptile.

(c) A captive wildlife permit shall not be required to hold reptiles with a color morphology that is distinctly different from the wild type of the same species of reptile.

(9) Transportation permits and certificate of veterinary inspection.

(a) Prior to entry into Kentucky, a transportation permit shall be obtained for all shipments of wildlife (native and exotic). A person shall be responsible for applying for a transportation permit if he or she:

- 1. Receives a shipment of wildlife;
- 2. Imports wildlife for his or her own use or possession; or
- 3. Transports wildlife into and through the state to a destination outside Kentucky.

(b) A copy of a valid transportation permit shall accompany all shipments of wildlife into Kentucky.

(c) An individual transportation permit shall be valid for one (1) shipment of wildlife.

(d) An annual transportation permit shall be valid for multiple wildlife shipments for one (1) year from the date of issue. An annual transportation permit holder shall:

- 1. Notify the department in writing of any changes or additions subsequent to the original application so that the permit may be amended prior to future wildlife importation; and
- 2. Notify the department by telephone Monday through Friday between 8 a.m. and 4:30 p.m. at least forty-eight (48) hours prior to each shipment of wildlife of the date of expected shipment, source of the shipment and the species and number being shipped.

(e) All shipments of wildlife, except for amphibians and reptiles, shall be accompanied by a certificate of veterinary inspection stating that the wildlife is free of symptoms of disease. A federal quarantine certificate may be substituted for the certificate of veterinary inspection.

Section 6. Applying for Permits. (1) An application for a captive wildlife and transportation permit shall be made on standard forms.

(2) The applicant shall indicate the source of supply of the wildlife.

(3) After the permit is issued, the permit holder shall retain a bill of sale or other written proof to show that the wildlife was obtained from a legal source.

(4) A permit holder shall show this written proof to a conservation officer upon request.

(5) An application shall construct holding facilities that meet or exceed the enclosure specifications established in Sections 6 and 7 of this administrative regulation for each listed species to be acquired before submitting the captive wildlife application.

(6) An applicant shall possess an approved permit before acquiring animals.

(7) Failure to provide accurate, truthful and complete information on the application form shall result in:

- (a) Immediate withdrawal or revocation of the permit; and
- (b) Confiscation of the wildlife imported under the permit.

Section 7. Confining Facilities. (1) Cages, pens, or other enclosures for confining native wildlife shall be of sufficient structural strength to:

- (a) Prevent the escape of the captive animals;
 - (b) Protect the caged animal from injury and predators; and
 - (c) Prevent the entrance of free individuals of the same species.
- (2) Wing-clipped and pinioned birds may be kept in suitable unroofed enclosures even though wild birds of the same species may enter the enclosure.
- (3) A person shall not maintain any native wildlife in captivity in an unsanitary or unsafe condition or in a manner that results in the maltreatment or neglect of that wildlife.
- (4) Native wildlife shall not be confined in any cage or enclosure that does not meet the cage specifications in Section 8 of this administrative regulation.
- (5) Cages and enclosures in which native wildlife is held in captivity shall be maintained as follows:
- (a) Clean drinking water shall be provided daily in clean containers;
 - (b) Swimming or wading pools shall be cleaned as needed to ensure good water quality;
 - (c) Enclosures shall provide adequate drainage of surface water;
 - (d) Captive mammals and birds shall be fed daily;
 - (e) Food shall be of a type and quantity that meets the nutritional requirements for the particular species and shall be provided in an unspoiled and uncontaminated condition;
 - (f) Feeding containers shall be kept clean, and uneaten food removed within a reasonable time;
 - (g) A shelter shall be provided for security and protection from inclement weather;
 - (h) Shade or an overhead structure shall be provided in warm seasons;
 - (i) Fecal and food wastes shall be removed from cages daily and stored or disposed of in a manner that prevents noxious odors or insect pests;
 - (j) Cage and enclosures shall be ventilated to prevent noxious odors;
 - (k) Hard floors within cages or enclosures shall be cleaned a minimum of once weekly;
 - (l) Cages or enclosures with dirt floors shall be raked a minimum of once every three (3) days and the waste removed;
 - (m) Animals that are compatible with one (1) another may be held in the same enclosure if the required floor space is provided; and
 - (n) Common walls shall be constructed between animals that are not compatible so the animals cannot interact.

Section 8. Minimum Enclosure Sizes and Associated Requirements for Stationary Facilities. (1) Birds.

- (a) Northern bobwhite older than fourteen (14) weeks shall be held in an enclosure with the following minimum specifications:
 - 1. An enclosure for a single Northern bobwhite shall be a minimum of 100 square feet.
 - 2. There shall be an increase in one (1) square foot per additional Northern bobwhite.
 - 3. Northern bobwhite may be held in smaller breeding pens during the breeding season.
- (b) Ducks shall be held in an enclosure with the following minimum specifications:
 - 1. There shall be no more than two (2) pairs or one (1) pair and their offspring confined to an area smaller than 100 square feet;
 - 2. There shall be at least ten (10) square feet of water that is one (1) foot or greater in depth; and
 - 3. There shall be at least twenty (20) square feet of additional land space and five (5) square feet of water surface for each additional adult duck.
- (c) Geese shall be held in an enclosure with the following minimum specifications:
 - 1. There shall be no more than two (2) pair or one (1) pair and

their offspring confined to an area smaller than 500 square feet;

- 2. There shall be a minimum of fifty (50) square feet of water that is two (2) feet or greater in depth; and
- 3. There shall be at least 100 square feet of land and twenty-five (25) square feet of water surface for each additional adult goose.
- (d) Ruffed grouse shall be held in an enclosure with the following minimum specifications:
 - 1. 200 square feet of floor space for five (5) or fewer birds with a height of at least six (6) feet; and
 - 2. There shall be an additional twenty (20) square feet of floor space for each additional bird.
- (2) Mammals.
 - (a) Bats shall be kept in an enclosure with the following minimum specifications:
 - 1. Little browns, long-eared and pipistrelles shall be kept in an enclosure that is at least 6 ft. x 6 ft. x 6 ft.
 - 2. Evening and red bats shall be kept in an enclosure that is at least 8 ft. x 12 ft. x 8 ft.
 - 3. Big browns and hoary bats shall be kept in an enclosure that is at least 10 ft. x 20 ft. x 8 ft.
 - (b) Foxes, bobcats and raccoons shall be held in an enclosure with the following minimum specifications:
 - 1. A single animal enclosure shall be 8 ft. x 8 ft. x 6 ft. width; and
 - 2. There shall be thirty (30) square feet floor space for each additional animal.
 - (c) Coyotes shall be held in an enclosure with the following minimum specifications:
 - 1. A single animal enclosure shall be 8 ft. x 8 ft. x 6 ft. width; and
 - 2. There shall be twenty-five (25) square feet floor space for each additional animal.
 - (d) Beaver and otter shall be held in an enclosure with the following minimum specifications:
 - 1. A single animal enclosure shall be 8 ft. x 12 ft. x 6 ft. with a 4 ft. x 6 ft. pool that is three (3) feet deep at one (1) end;
 - 2. There shall be an increase in horizontal cage size and pool size by eight (8) square feet for each additional animal.
 - 3. Otters shall have a slide and a dry place for sleeping and retreat; and
 - 4. Beavers shall be supplied with gnawing logs and a dry place for sleeping and retreat.
 - (e) Muskrat and mink shall be held in an enclosure with the following minimum specifications:
 - 1. A single animal enclosure shall be 6 ft. x 4 ft. x 3 ft. with a 2 ft. x 4 ft. pool which is two (2) feet deep at one (1) end;
 - 2. There shall be an increase in horizontal cage size by eight (8) square feet and a pool size of two (2) square feet; and
 - 3. Muskrats shall have gnawing material.
 - (f) Gray squirrels and fox squirrels shall be held in an enclosure with the following minimum specifications:
 - 1. A single animal enclosure shall be 4 ft. x 4 ft. x 8 ft.; and
 - 2. There shall be an increase in floor space by two (2) square feet for each additional animal.
 - (g) Skunk, opossum, rabbit and woodchuck shall be held in an enclosure with the following minimum specifications:
 - 1. A single animal enclosure shall be 6 ft. x 8 ft. x 8 ft.;
 - 2. There shall be an increase in floor space by four (4) square feet for each additional animal; and
 - 3. Woodchucks shall have several gnawing logs approximately six (6) inches in diameter.
 - (h) Weasel shall be held in an enclosure with the following minimum specifications:
 - 1. A single animal enclosure shall be 3 ft. x 3 ft. x 3 ft.; and
 - 2. There shall be an increase in floor space by three (3) square feet for each additional animal.

Section 9. Mobile Facilities. Mobile facilities used in transporting native wildlife shall comply with the following requirements:

- (1) Facilities shall be equipped to provide fresh air without injurious drafts and adequate protection from the elements;
- (2) The animal housing area shall be free of engine exhaust fumes;

(3) A cage shall be large enough to ensure that each animal has sufficient room to stand erect and lay naturally;

(4) The structural strength of the enclosure shall be sufficient to contain the live animals and to withstand the normal rigors of transportation; and

(5) Wildlife transported in the same cage area shall be in compatible groups.

~~Section 10. Temporary Facilities. Native wildlife housed in temporary facilities or exhibits shall be housed in cages that meet the minimum cage specifications as provided in Section 7 of this administrative regulation when wildlife are present in any geographical location for more than ten (10) days.~~

~~Section 11. Inspections. (1) The holder of a captive wildlife permit shall allow a conservation officer to inspect the facilities at any reasonable time.~~

~~(2) The conservation officer shall immediately notify the permit holder and the commissioner if his inspection reveals that wildlife is being kept in unsanitary or inhumane conditions.~~

~~(3) The captive wildlife permit shall be revoked and all captive wildlife confiscated if the unsatisfactory conditions are not corrected within ten (10) days of the initial inspection.~~

~~(4) The captive wildlife permit shall be revoked and all captive wildlife confiscated if an application was not made in good faith or if the permit holder is convicted of any law violation concerning the species for which he holds the permit.~~

~~(5) Fees shall not be refunded for permits that are revoked.~~

~~Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:~~

~~(a) "The Commercial and Noncommercial Captive Wildlife Permit Application, January 2006 edition";~~

~~(b) "The Annual Transportation Permit Application, January 2006 edition"; and~~

~~(c) "The Individual Transportation Permit Application, January 2006 edition".~~

~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.~~

BENJY KINMAN, Deputy Commissioner

For DR. JONATHAN GASSETT, Commissioner

MARCHETA SPARROW, Secretary

APPROVED BY AGENCY: April 10, 2012

FILED WITH LRC: April 12, 2012 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2012, at 10 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business 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 canceled. This 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 by May 31, 2012. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

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, Email: fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administra-

tive regulation establishes restrictions on the buying, selling, and transportation of wildlife native to Kentucky and defines enclosure requirements for captive wildlife.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to control the indiscriminate possession and commercialization of wildlife, ensure that minimum welfare standards are set forth for lawfully possessed wildlife, protect the public and native wildlife from wildlife-borne diseases, and to prevent the introduction of wildlife that might be detrimental to native fauna and flora.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.180 requires any person transporting live wildlife into Kentucky to obtain a permit from the department. KRS 150.280 authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations to establish the procedures for propagation and holding of protected wildlife.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will carry out the purposes of KRS 150.025(1), 150.180 and 150.280 by defining the permits and procedures that are required for transportation and holding of protected wildlife.

(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 will increase the number of northern bobwhite quail an individual may possess for personal use without having a captive wildlife permit from fifty (50) to one hundred (100). The amendment clarifies that bobwhite quail possessed without a permit must still comply with the minimum confining facilities and people who dog train or shoot-to-train with bobwhite must comply with other statewide requirements. This amendment has also been modified to conform to the wording and style requirements of the Legislative Research Commission and Chapter 13A.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow people to hold more than 50 bobwhite quail for the purposes of dog training or shooting and to conform to the LRC regulation drafting and style requirements.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who possess bobwhite quail for personal use in allowable numbers without a captive wildlife permit will be affected.

(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: Those possessing bobwhite quail for dog training or shoot to train activity will be required to comply with holding and permitting requirements.

(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 cost associated with the implementation of this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Individuals who possess Northern Bobwhite for personal use will now be allowed to possess up to one hundred (100) birds rather than only fifty (50) without having to obtain a captive wildlife permit.

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

(a) Initially: This administrative regulation change will result in no initial change in cost to the Kentucky Department of Fish and Wildlife Resources to administer.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(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: It will not be necessary to increase any other fees or to increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No new fees will be established.

(9) TIERING: Is tiering applied? Tiering was not applied because all individuals who possess native wildlife for personal use are treated 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 Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be 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 150.025(1), KRS 150.180, and 150.280, and 50 C.F.R. 21.29.

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 new revenue will be generated by this administrative regulation for the first year.

(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 new revenue will be generated by this administrative regulation in subsequent years.

(c) How much will it cost to administer this program for the first year? There will not be an increased cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will not be an increased cost to administer 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 (+/-): None; see 4 (a) and (b) above.

Expenditures (+/-): None; see 4 (c) and (d) above.

Other Explanation:

TOURISM, ARTS AND HERITAGE CABINET Kentucky Department of Fish and Wildlife Resources (Amendment)

301 KAR 2:082. Transportation and holding of live exotic wildlife.

RELATES TO: KRS 150.010, 150.015, 150.305, 150.320, [150.330,] 150.990

STATUTORY AUTHORITY: KRS 65.877, 150.025(1), 150.180(6), [150.025, 150.180,] 150.280

NECESSITY, FUNCTION, AND CONFORMITY: KRS 65.877 authorizes local governments to regulate or prohibit inherently dangerous wildlife as identified by the department. KRS 150.025(1) authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.180(6) authorizes the department to regulate the importation of wildlife into Kentucky. KRS 150.280

authorizes the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife. This administrative regulation establishes the procedures[KRS 150.025 authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.180 requires a person transporting live wildlife into Kentucky to obtain a permit from the department. KRS 150.280 authorizes the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife. This administrative regulation establishes the procedure] for obtaining a transportation permit for exotic wildlife, prohibits the importation and possession of exotic species with the potential to damage native ecosystems, and places restrictions on importing, transporting, and holding species that are potentially dangerous to human health and safety.

Section 1. Definitions. (1) "Exotic wildlife" means[terrestrial] wildlife species which have never naturally existed in the wild in Kentucky including introduced species that have become naturalized.

Section 2. Permits and Certificates of Veterinary Inspection. (1) Pursuant to 301 KAR 2:081, a person shall apply for and obtain a valid transportation permit or permit authorization number from the department, unless otherwise exempted by this or another administrative regulation, prior to:

(a) Receiving a shipment of wildlife;

(b) Importing exotic wildlife into Kentucky; or

(c) Transporting exotic wildlife into and through the state to a destination outside Kentucky;

(2) A copy of a valid transportation permit or permit authorization number shall accompany all shipments of wildlife into and through Kentucky.

(3) An individual transportation permit shall be valid for one (1) shipment of wildlife.

(4) An annual transportation permit shall be valid for multiple wildlife shipments for one (1) year from the date of issue.

(5) Any shipment of wildlife, except for amphibians and reptiles, shall be accompanied by a:

(a) Certificate of veterinary inspection stating that the wildlife is free from symptoms of disease; or

(b) A federal quarantine certificate.

Section 3. Applying for Permits. (1) A person shall apply for a transportation permit on a form supplied by the department.

(2) The department shall deny a permit to an applicant that:

(a) Is less than eighteen (18) years of age;

(b) Has been convicted within the last year of a violation of:

1. This administrative regulation; or

2. 301 KAR 2:081.

(c) Does not submit a completed application; or

(d) Does not remit the correct fee pursuant to 301 KAR 3:022.

(3) Failure to provide accurate, factual, and complete information on the application form shall result in:

(a) Immediate withdrawal or revocation of the permit; and

(b) Confiscation of the wildlife imported under the permit.

(4) An annual transportation permit holder shall notify the department of any amendments to the original application at least forty-eight (48) hours prior to any wildlife shipment by calling the department by telephone at 800-858-1549, Monday through Friday between 8 a.m. and 4:30 p.m. Eastern time.

(5) A person importing or possessing exotic wildlife shall be responsible for following local ordinances and rules regarding captive wildlife.

Section 4. Prohibited Species. (1) Except as specified in Section 5 of this administrative regulation, a person shall not import, possess, or transport through Kentucky the following species that are considered potentially injurious to native ecosystems:

(a) Baya weaver (*Ploceus philippinus*);

(b) Blackbirds (Genus *Agelaius*), except native species;

(c) Cape sparrow (*Passer melanurus*);

(d) Cowbirds (Genus *Molothrus*), except native species;

(e) Cuckoo (Family *Cuculidae*), except native species;

(f) Dioch or red-billed quelea (*Quelea quelea*);

(g) European blackbird (*Turdus merula*);
 (h) Fieldfare (*Turdus pilaris*);
 (i) Flying fox or fruit bat (Genus *Pteropus*);
 (j) Gambian giant pouched rat (*Cricetomys gambianus*);
 (k) Giant, marine, or cane toad (*Bufo marinus*);
 (l) Hawaiian rice bird or spotted munia (*Lonchura punctulata*);
 (m) Jack rabbit (Genus *Lepus*);
 (n) Java sparrow (*Padda oryzivora*);
 (o) Madagascar weaver (*Foudia madagascariensis*);
 (p) Mistle thrush (*Turdus viscivorus*);
 (q) Monk or Quaker parakeet (*Myiopsitta monachus*);
 (r) Multimammate rat (Genus *Mastomys*);
 (s) Mute swan (*Cygnus olor*);
 (t) Nutria (*Myocastor coypus*);
 (u) Prairie dog (*Cynomys* spp.);
 (v) Raccoon dog (*Nyctereutes procyonoides*);
 (w) San Juan rabbit (*Oryctolagus cuniculus*);
 (x) Sky lark (*Alauda arvensis*);
 (y) Song thrush (*Turdus philomelos*);
 (z) Starling (Family *Sturnidae*) including pink starlings or rosy pastors (*Sturnus roseus*), except for Indian Hill mynahs (*Gracula religiosa*);
 (aa) Suricate or slender-tailed meerkat (Genus *Suricata*);
 (bb) Tongueless or African clawed frog (*Xenopus laevis*);
 (cc) Weaver finch (Genus *Passer*), except *Passer domesticus*;
 (dd) White eyes (Genus *Zosterops*);
 (ee) Wild European rabbit (also called the San Juan Rabbit) not distinguishable morphologically from native wild rabbits;
 (ff) Yellowhammer (*Emberiza citrinella*);
 (gg) A member of the following families:
 1. Suidae (pigs or hogs), except for domestic swine;
 2. Viverridae (civets, genets, lingsangs, mongooses and fossas);
 3. Tayassuidae (peccaries and javelinas).
 (2) Except as specified in Section 5 of this administrative regulation, a person shall not import or possess the following species of inherently dangerous wildlife:
 (a) Alligators or caimans (Family *Alligatoridae*);
 (b) African buffalo (*Syncerus caffer*);
 (c) Bears (Family *Ursidae*);
 (d) Cheetah (*Acinonyx jubatus*);
 (e) Clouded leopard (*Neofelis nebulosa*);
 (f) Crocodiles (Family *Crocodylidae*);
 (g) Elephants (Family *Elephantidae*);
 (h) Gavials (Family *Gavialidae*);
 (i) Gila monsters or beaded lizards (Family *Helodermatidae*);
 (j) Hippopotamus (*Hippopotamus amphibius*);
 (k) Honey badger or ratel (*Mellivora capensis*);
 (l) Hyenas (Family *Hyaenidae*), all species except aardwolves (*Proteles cristatus*);
 (m) Lions, jaguars, leopards or tigers (Genus *Panthera*);
 (n) Old world badger (*Meles meles*);
 (o) Primates, nonhuman (Order *Primates*);
 (p) Rhinoceroses (Family *Rhinocerotidae*);
 (q) Snow leopard (*Uncia uncia*);
 (r) Venomous exotic snakes of the families *Viperidae*, *Atractaspididae*, *Elapidae*, and *Colubridae*, except for hognose snakes (Genus *Heterodon*);
 (s) Wolverine (*Gulo gulo*); or
 (t) Hybrids of all species contained in this list.

Section 5. Exemptions. (1) A facility that is accredited by the American Zoo and Aquarium Association shall:

(a) Not be required to obtain a transportation permit for exotic wildlife; and

(b) Be allowed to import, transport, and possess the prohibited exotic species listed in Section 4(1) and (2) of this administrative regulation.

(2) Upon written request, the department shall consider an exemption for the importation of prohibited exotic species for the following entities:

(a) A facility that is designated as the official zoo of a municipality;

(b) A government agency;

(c) A college or university;

(d) A licensed or accredited institution of:

1. Research; or

2. Education.

(e) A lawfully operated circus; or

(f) An exhibitor sponsored or contracted by a lawfully operated state or county fair.

(3) Wildlife possessed or imported into Kentucky per subsection (2) or (4) of this section shall be maintained within an enclosure sufficient to prevent:

(a) Escape; and

(b) Direct contact with the public, except local governments may allow direct contact between the public and Asian elephants (*Elephas maximus*) if:

1. An established local ordinance exists that allows the contact; and

2. That ordinance provides regulatory standards in the areas of:

a. The safety record of the animal or animals;

b. Proper public safeguards;

c. Experience of the handlers;

d. Protective barriers; and

e. Third party liability insurance coverage from death or injury in an amount equal to or greater than \$3,000,000.

(4) A person may apply for a transportation permit to temporarily transport into and through the state to a destination outside of Kentucky a prohibited animal listed in Section 4(2) of this administrative regulation and shall not:

(a) Remain in the state in excess of forty-eight (48) hours;

(b) Stop in Kentucky for exhibition purposes; or

(c) Sell, trade, barter, or offer for sale, trade or barter a prohibited animal while in Kentucky.

(5) A person who legally possessed wildlife listed in Section 4(2) of this administrative regulation prior to July 13, 2005 may continue to possess the animal and shall maintain:

(a) Veterinary records;

(b) Acquisition papers for the animal; or

(c) Any other evidence that establishes that the person possessed the animal in Kentucky prior to July 13, 2005.

(6) A person who legally possesses wildlife pursuant to subsection (5) of this section shall not, without an exemption pursuant to subsections (2) and (3) of this section:

(a) Replace the wildlife; or

(b) Allow the wildlife to reproduce.

(7) If exotic wildlife listed in Section 4(1) and (2) of this administrative regulation escapes, the owner shall immediately contact local emergency services and the department at 800-252-5378 to report the escape or release.

Section 6. Permit-exempt Animals. (1) The following exotic animals shall not require permits from the department for importation, transportation, or possession:

(a) Alpaca (*Vicugna pacos*);

(b) American bison (*Bison bison*);

(c) Breeds and varieties of goats derived from the wild goat or bezoar (*Capra hircus*);

(d) Camel (*Camelus bactrianus* and *Camelus dromedarius*);

(e) Chinchilla (*Chinchilla laniger*);

(f) Cockatoo (family *Cacatuidae*);

(g) Domesticated races of ducks and geese (family *Anatidae*) morphologically distinguishable from wild ducks or geese;

(h) Domesticated races of the European rabbit (*Oryctolagus cuniculus*) morphologically distinguishable from wild rabbits;

(i) Domesticated races of mink (*Mustela vison*), if:

1. Adults are heavier than 1.15 kilograms; or

2. The fur color can be distinguished from wild mink;

(j) Domesticated races of rats (*Rattus norvegicus* or *Rattus rattus*) or mice (*Mus musculus*);

(k) Domesticated races of turkeys (*Meleagris gallopavo*) recognized by the American Poultry Association and the U.S. Department of Agriculture, but shall not include captive held or bred wild turkeys;

(l) Domestic yak (*Bos grunniens*);

(m) Gerbil (*Meriones unguiculatus*);

- (n) Guinea fowl (*Numida meleagris*);
- (o) Guinea pig (*Cavia porcellus*);
- (p) Hamster (*Mesocricetus* spp.);
- (q) Indian Hill mynah (*Gracula religiosa*);
- (r) Llama (*Lama glama*);
- (s) Parrot, lovebird, cockatiel, budgerigar, parakeet (except monk parakeet (*M. monachus*), and macaw (family *Psittacidae*);
- (t) Peafowl (*Pavo cristatus*);
- (u) Pigeon (*Columba domestica* or *Columba livia*) or domesticated races of pigeons;
- (v) Ratite, as defined by KRS 247.870; and
- (w) Toucan (family *Rhamphastidae*).

Section 7. Inspections and Permit Revocation. (1) A person holding exotic wildlife shall allow a conservation officer to inspect the holding facilities at any reasonable time.

(2) Captive wildlife may be confiscated and the permit revoked if the permit holder violates any provision of this administrative regulation.

Section 8. Release. With the exception of pheasants and chukars, a person shall not release exotic wildlife into the wild. (2) "Permit" means an individual or annual transportation permit issued by the department.

Section 2. Exemptions. Transportation permits and captive wildlife permits shall not be required for the importation or possession of exotic wildlife and federally threatened or endangered species listed in this administrative regulation by facilities that are accredited by the American Zoo and Aquarium Association.

Section 3. Prohibited Species. (1) Except as specified in Section 2 of this administrative regulation and subsection (3) of this section, a person shall not import or transport through Kentucky or possess in Kentucky the following:

- (a) Baya weaver (*Ploceus philippinus*);
- (b) Blackbirds (Genus *Agelaius*), except native species;
- (c) Cape sparrow (*Passer melanurus*);
- (d) Cowbirds (Genus *Molothrus*), except native species;
- (e) Cuckoo (Family *Cuculidae*), except native species;
- (f) Dioch or red-billed quelea (*Quelea quelea*);
- (g) European blackbird (*Turdus merula*);
- (h) Fieldfare (*Turdus pilaris*);
- (i) Flying fox or fruit bat (Genus *Pteropus*);
- (j) Gambian giant pouched rat (*Cricetomys gambianus*);
- (k) Giant, marine, or cane toad (*Bufo marinus*);
- (l) Hawaiian rice bird or spotted munia (*Lonchura punctulata*);
- (m) Jack rabbit (Genus *Lepus*);
- (n) Java sparrow (*Padda oryzivora*);
- (o) Madagascar weaver (*Foudia madagascariensis*);
- (p) Mistle thrush (*Turdus viscivorus*);
- (q) Monk or Quaker parakeet (*Myiopsitta monachus*);
- (r) Multimammate rat (Subgenus *Mastomys*);
- (s) Mute swan (*Cygnus olor*);
- (t) Nutria (*Myocastor coypus*);
- (u) Prairie dog (*Cynomys* spp.);
- (v) Raccoon dog (*Nyctereutes procyonoides*);
- (w) San Juan rabbit (*Oryctolagus cuniculus*);
- (x) Sky lark (*Alauda arvensis*);
- (y) Song thrush (*Turdus philomelos*);
- (z) Starlings (Family *Sturnidae*) including pink starlings or rosy pastors (*Sturnus roseus*), except for Indian Hill mynahs (*Gracula religiosa*);
- (aa) Suricate or slender-tailed meerkat (Genus *Suricata*);
- (bb) Tongueless or African clawed frog (*Xenopus laevis*);
- (cc) Weaver finches (Genus *Passer*), except *Passer domesticus*;
- (dd) White eyes (Genus *Zosterops*);
- (ee) Wild European rabbit (also called the San Juan Rabbit) not distinguishable morphologically from native wild rabbits;
- (ff) Yellowhammer (*Emberiza citrinella*);
- (gg) A member of the following families:
 1. Suidae (pigs or hogs), except for domestic swine;
 2. Viverridae (civets, genet, lingsangs, mongooses and

fossas);

3. Tayassuidae (peccaries and javelinas).
- (2) Prohibited inherently-dangerous wildlife. Except as specified in Section 2 of this administrative regulation and subsections (3), (5), and (6) of this section, a person shall not import or possess in Kentucky the following:
 - (a) Adders or vipers (Family *Viperidae* and *Crotalidae*) (except native species);
 - (b) Alligators or caimans (Family *Alligatoridae*);
 - (c) African buffalo (*Syncerus caffer*);
 - (d) Bears (Family *Ursidae*);
 - (e) Cheetah (*Acinonyx jubatus*);
 - (f) Clouded leopard (*Neofelis nebulosa*);
 - (g) Cobras mambas or coral snakes (Family *Elapidae*);
 - (h) Crocodiles (Family *Crocodylidae*);
 - (i) Elephants (Family *Elephantidae*);
 - (j) Gavials (Family *Gavialidae*);
 - (k) Gila monsters or beaded lizards (Family *Helodermatidae*);
 - (l) Hippopotamus (*Hippopotamus amphibius*);
 - (m) Honey badger or ratel (*Mellivora capensis*);
 - (n) Hyenas (Family *Hyaenidae*), all species except aardwolves (*Proteles cristatus*);
 - (o) Lions, jaguars, leopards or tigers (Genus *Panthera*);
 - (p) Old world badger (*Meles meles*);
 - (q) Primates nonhuman (Order *Primates*);
 - (r) Rhinoceroses (Family *Rhinocerotidae*);
 - (s) Sea snakes (Family *Hydrophidae*);
 - (t) Snow leopard (*Uncia uncia*);
 - (u) Venomous rear-fanged species (Family *Colubridae*) except hognose snakes (Genus *Heterodon*);
 - (v) Wolverine (*Gulo gulo*); or
 - (w) Hybrids of all species contained in this list.
- (3) Upon written request, the commissioner may authorize the importation or possession of the species listed in this section by:
 - (a) A zoo or facility that is designated as the official zoo of a municipality;
 - (b) A government agency;
 - (c) A college or university;
 - (d) A licensed or accredited educational or research institution;
 - (e) A lawfully operated circus; or
 - (f) An exhibitor sponsored or contracted by a lawfully operated state or county fair.
- (4) Wildlife possessed or imported into Kentucky per subsections (3) or (5) of this section shall be maintained within an enclosure sufficient to prevent:
 - (a) Escape; and
 - (b) Direct contact with the public, except local governments may allow direct contact between the public and Asian elephants (*Elephas maximus*) if:
 1. An established local ordinance exists that allows that contact; and
 2. That ordinance provides regulatory standards in the areas of:
 - a. The safety record of the animal or animals;
 - b. Proper public safeguards;
 - c. Experience of handlers;
 - d. Protective barriers; and
 - e. Third party liability insurance coverage from death or injury in an amount equal to or greater than \$3,000,000.
- (5) A person may apply for a transportation permit to temporarily transport or possess a prohibited animal listed in this section if the animal is within the state for less than ninety-six (96) hours. Transportation permits shall not be issued for consecutive ninety-six (96) hour periods.
- (6) Possession of an inherently-dangerous animal prior to the effective date of this amendment to this administrative regulation.
 - (a) A person who legally possessed in Kentucky an inherently-dangerous animal as defined in subsection (2) of this section prior to July 13, 2005 may continue to possess the animal and shall maintain:
 1. Veterinary records;
 2. Acquisition papers for the animal; or
 3. Any other evidence that establishes that the person possessed the animal in Kentucky prior to July 13, 2005.

(b) A legally possessed inherently-dangerous animal shall not be bred or replaced without an exemption as established in Sections 2 and 3(3) of this administrative regulation.

(7) If any inherently-dangerous animal escapes, either intentionally or unintentionally, the owner of the animal shall immediately contact local emergency services and the department at 800-252-3578 to report the escape or release.

Section 4. Exotic Wildlife. Unless listed in Section 3(1) of this administrative regulation, or otherwise protected by state or federal law, exotic wildlife shall not:

- (1) Be classified as protected wildlife; and
- (2) Require a permit from the department for possession.

Section 5. Transportation Permits and Certificate of Veterinary Inspection. (1) Prior to entry into Kentucky, an annual or individual transportation permit as established in 301 KAR 2:081 shall be obtained for all shipments of wildlife. A person shall be responsible for applying for a transportation permit before the person:

- (a) Receives a shipment of wildlife;
- (b) Imports wildlife for their own use or possession; or
- (c) Transports wildlife into and through the state to a destination outside Kentucky;

(2) A copy of a valid transportation permit shall accompany all shipments of wildlife into Kentucky.

(a) An individual transportation permit shall be valid for one (1) shipment of wildlife and shall also permit possession of the wildlife for the designated time period.

(b) An annual transportation permit shall be valid for multiple wildlife shipments for one (1) year from the date of issue and shall also permit possession of the wildlife for the designated time period.

(c) An annual transportation permit holder shall:

1. Notify the department in writing of any changes or additions subsequent to the original application so that an amended permit may be issued prior to subsequent wildlife importation; and
2. Notify the wildlife division by telephone at 502-564-3400 or 800-858-1549 Monday through Friday between 8 a.m. and 4:30 p.m. at least forty-eight (48) hours prior to each shipment of wildlife of with:

- a. The date of expected shipment;
- b. The source of the shipment;
- c. The species being shipped;
- d. The number of individuals of each species; and
- e. The period of time when the wildlife will be inside the state of Kentucky.

(3) All shipments of wildlife, except for fish, amphibians, and reptiles, shall be accompanied by a certificate of veterinary inspection stating that the wildlife is free from symptoms of disease. A federal quarantine certificate may be substituted for the certificate of veterinary inspection.

Section 6. The following animals shall not require permits from the department for importation:

- (1) Alpaca (*Vicugna pacos*);
- (2) American bison (*Bison bison*);
- (3) Breeds and varieties of goats derived from the wild goat or bezoar (*Capra aegagrus*);
- (4) Camels (*Camelus bactrianus* and *Camelus dromedarius*);
- (5) Chinchillas (*Chinchilla laniger*);
- (6) Cockatoos (family *Cacatuidae*);
- (7) Domesticated races of ducks and geese (family *Anatidae*) distinguishable morphologically from wild ducks or geese;
- (8) Domesticated races of the European rabbit (*Oryctolagus cuniculus*) distinguishable morphologically from wild rabbits;
- (9) Domesticated races of mink (*Mustela vison*), if:
 - (a) Adults are heavier than 1.15 kilograms; or
 - (b) The fur color can be distinguished from wild mink;
- (10) Domestic swine, except free-roaming or feral wild boars or wild swine;
- (11) Domesticated races of rats (*Rattus norvegicus* or *Rattus rattus*) or mice (*Mus musculus*);
- (12) Domesticated races of turkeys (*Meleagris gallopavo*) recognized by the American Poultry Association and the U.S. Depart-

ment of Agriculture; but shall not include captive held or bred wild turkeys;

- (13) Domestic yak (*Bos grunniens*);
- (14) Gerbils (*Meriones unguiculatus*);
- (15) Guinea fowl (*Numida meleagris*);
- (16) Guinea pigs (*Cavia porcellus*);
- (17) Hamsters (*Mesocricetus* spp.);
- (18) Indian Hill mynahs (*Gracula religiosa*);
- (19) Llama (*Lama glama*);
- (20) Parrots, lovebirds, cockatiels, budgerigar, parakeets (except monk parakeet (*M. monachus*), macaws (family *Psittacidae*);
- (21) Peafowl (*Pavo cristatus*);
- (22) Pigeons (*Columba domestica* or *Columba livia*) or domesticated races of pigeons;
- (23) Ratites, as defined by KRS 247.870; and
- (24) Toucans (family *Rhamphastidae*).

Section 7. Applying for Permits. (1) An application for a permit shall be made on the appropriate form.

(2) The applicant shall indicate the source of supply of the wildlife.

(3) After the permit is issued, the permit holder shall retain a bill of sale or other written proof to show that the wildlife was obtained from a legal source.

(4) A permit holder shall show this written proof to a conservation officer upon request.

(5) An applicant shall possess an approved permit before transporting exotic wildlife into Kentucky.

(6) A permit application may be denied if the permit holder has been convicted of a violation of:

- (a) Any provision in this administrative regulation; or
- (b) Another federal or state wildlife law regarding the holding or transportation of exotic wildlife.

(7) Failure to provide accurate, truthful and complete information on the application form shall result in:

- (a) Immediate withdrawal or revocation of the permit; and
- (b) Confiscation of the wildlife imported under the permit.

(8) An applicant shall be responsible for knowing and following local ordinances and rules regarding the wildlife to be held in a locality.

Section 8. Endangered Species. A permit may be issued for the transportation or possession of federally endangered or threatened species if:

- (1) It is not listed in Section 3 of this administrative regulation; and
- (2) Proof of lawful possession and acquisition is provided.

Section 9. Inspections and Permit Revocation. (1) A person holding exotic wildlife shall allow a conservation officer to inspect the holding facilities at any reasonable time.

(2) Captive wildlife may be confiscated and the permit revoked if the permit holder violates any provision of this administrative regulation.

Section 10. Release. With the exception of pheasants and chukars, a person shall not release exotic wildlife into the wild.

Section 11. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Annual Transportation Permit Application, June 2008 edition"; and
- (b) "Individual Transportation Permit Application, June 2008 edition."

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.

BENJY KINMAN, Deputy Commissioner
 For DR. JONATHAN GASSETT, Commissioner
 MARCHETA SPARROW, Secretary
 APPROVED BY AGENCY: April 10, 2012
 FILED WITH LRC: April 12, 2012 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2012, at 10 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business 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 canceled. This 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 by May 31, 2012. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Rose Mack, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane Frankfort, Kentucky 40601, phone (502) 564-7109, ext. 4507, fax (502) 564-9136, Email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements on the possession and transportation of exotic wildlife.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to control the indiscriminate possession and commercialization of wildlife, protect the public and native wildlife from wildlife-borne diseases, to prevent the introduction of wildlife that might be detrimental to native fauna and flora, and to reasonably accommodate public safety.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 65.877 authorizes local governments to regulate or prohibit wildlife identified by the department as inherently dangerous. KRS 150.025(1) authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.180(6) requires any person transporting live wildlife into Kentucky to obtain a permit from the department. KRS 150.280 authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations to establish the procedures for propagation and holding of protected wildlife.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will fulfill the purposes of KRS 150.025, 150.180, and 150.280 by defining the permits and procedures that are required for transportation and holding of exotic wildlife.

(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 will prohibit temporary or mobile vendors from transporting inherently-dangerous wildlife into Kentucky for purposes of exhibition, sale, trade, or barter. The exemptions for lawfully operated circuses and exhibitors who are contracted by lawfully operated state or county fairs will remain unchanged. This amendment will reduce the 96-hour limit for temporary transportation permits to 48 hours, and clarify that such permits allow only travel into and through the state to a destination outside of Kentucky. This regulation has also been amended to conform to regulation style and drafting rules established in KRS Chapter 13A.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to tighten importation and transportation requirements, to ensure conformity with statutory compliance governing inherently dangerous wildlife, and to reasonably accommodate public safety and welfare.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

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

regulation: All individuals who transport or possess species listed as prohibited inherently-dangerous wildlife for purposes other than the available exemptions will be affected by this amendment. In 2011 there were seven individuals issued 96-hour temporary transportation permits.

(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: Individuals who transport inherently-dangerous exotic wildlife into or through Kentucky will have to apply for and receive a valid transportation permit prior to entering the state. If individuals are not eligible for available exemptions then only temporary transportation permits for up to 48 hours shall be issued for purposes of traveling into and through the state to a destination outside of Kentucky.

(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 to individuals who transport or possess exotic wildlife.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): No benefits will result from this amendment for transporters of inherently-dangerous wildlife; rather, the benefit of increased public safety will be realized at events formerly hosting such exhibitors.

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

(a) Initially: This administrative regulation change will result in no initial change in cost to the Kentucky Department of Fish and Wildlife Resources to administer.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(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: It will not be necessary to increase any other fees or to increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No new fees will be established.

(9) TIERING: Is tiering applied? Tiering was not applied because all individuals who transport or possess exotic wildlife are treated 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 Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be 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 65.877, KRS 150.025(1), KRS 150.180(6), and KRS 150.280.

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 by this administrative regulation during the first year.

(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 by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs incurred for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred 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 (+/-):

Expenditures (+/-):

Other Explanation:

TOURISM, ARTS AND HERITAGE CABINET
Kentucky Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:084. Importation of game birds.

RELATES TO: KRS 150.280, 150.290

STATUTORY AUTHORITY: KRS 150.025(1), 150.180(6), 150.280

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing requirements for buying, selling, or transporting protected wildlife. KRS 150.180(6) authorizes the department to regulate the importation of wildlife into Kentucky. KRS 150.280 authorizes the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife. This administrative regulation establishes the procedures[KRS 150.780 authorizes the department to promulgate administrative regulations governing the holding of protected wildlife. KRS 150.180(6) requires a person transporting live wildlife into Kentucky to obtain a permit from the department. This administrative regulation establishes the procedure] for obtaining a transportation permit for the importation of certain game birds species into Kentucky to prevent the introduction and spread of the avian influenza virus into Kentucky.

Section 1. Definition. "Game birds" means[turkeys,] quail, pheasant, chukars, grouse, waterfowl, or other avian species normally imported for propagation or for the purpose of hunting, shooting, training, or field trial activities.

Section 2. Importation of Game Birds. (1) Before any live game bird is imported into Kentucky, a person[the person importing the bird or birds] shall obtain a transportation permit from the department.

(2) Transportation permits shall not be required for the importation of any live game bird by facilities that are accredited by the American Zoo and Aquarium Association.

Section 3. Applying for Permits. (1) A person shall apply for a transportation permit on a form supplied by the department pursuant to 301 KAR 2:081 and 2:082.

(2)[All applications for importation or transportation permits shall be made on the Standard Department of Transportation Permit Application.

(2) The applicant shall indicate the source of supply of the wildlife.

(3)[The applicant shall be responsible to ensure that the shipment is in compliance with the Department of Agriculture's entry and avian influenza health requirements found in 302 KAR 20:020, 20:040, and 20:250.[also provide documentation that the shipment is in compliance with the Department of Agriculture's avian influenza health requirements found in 302 KAR 20:020, 302 KAR 20:040, and 302 KAR 20:250.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "The Commercial and Noncommercial Captive Wildlife

Permit Application, January 2006 edition";

(b) "The Annual Transportation Permit Application, January 2006 edition"; and

(c) "The Individual Transportation Permit Application, January 2006 edition".

(2) ~~The document may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, from 8 a.m. to 4:30 p.m., Monday through Friday.]~~

BENJY KINMAN, Deputy Commissioner

For DR. JONATHAN GASSETT, Commissioner

MARCHETA SPARROW, Secretary

APPROVED BY AGENCY: April 10, 2012

FILED WITH LRC: April 12, 2012 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2012, at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business 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 canceled. This 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 by May 31, 2012. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

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, Email: fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes restrictions on the importation of live game birds into Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation establishes the procedure for obtaining a transportation permit for the importation of certain game birds species into Kentucky to prevent the introduction and spread of the avian influenza virus into Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing requirements for buying, selling, or transporting protected wildlife. KRS 150.180(6) requires any person transporting live wildlife into Kentucky to obtain a permit from the department. KRS 150.280 authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations governing the holding of protected wildlife.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the administration of the statutes by defining which species are classified as game birds and requiring that before any live game bird is imported into Kentucky, the person importing the bird shall obtain a transportation permit from the department and comply with the Department of Agriculture's entry and avian influenza health 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: This amendment addresses only clean-up items necessary for agreement with related regulations.

(b) The necessity of the amendment to this administrative regulation: This amendment addresses clean-up items necessary

for agreement with related regulations.

(c) How the amendment conforms to the content of the authorizing statutes: See "C" above.

(d) How the amendment will assist in the effective administration of the statutes: See "D" above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The administrative regulation affects individuals who import gamebirds to Kentucky. In 2011, seven (7) individuals imported gamebirds.

(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: A person who imports live game birds will have to obtain a transportation permit from the department and must comply with the Department of Agriculture's entry and avian influenza health 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 new cost associated with the implementation of this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment is clean-up only and will not change benefits accrued.

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

(a) Initially: There will be no cost associated with the implementation of this administrative regulation.

(b) On a continuing basis: There will be no additional cost to the agency on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the state Game and Fish Fund.

(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. It will not be necessary to increase a fee or funding to implement 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 or increase any fees.

(9) TIERING: Is tiering applied? Tiering was not used because all persons importing game birds into Kentucky shall comply with the same permit 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 Kentucky Department of Fish and Wildlife Resources Wildlife and Law Enforcement Divisions will be affected by this regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1), 150.180(6), and 150.280.

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 not generate revenue for 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 will not generate revenue in subsequent

years.

(c) How much will it cost to administer this program for the first year? There will be no costs to implement this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? There will not be a cost to administer administrative regulation for subsequent years.

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:

TOURISM, ARTS AND HERITAGE CABINET Kentucky Department of Fish and Wildlife Resources (Amendment)

301 KAR 2:300. Black bears.

RELATES TO: KRS 150.010, 150.092, 150.170, 150.175, 150.990

STATUTORY AUTHORITY: KRS 150.025(1) 150.390(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, to regulate any method of taking, and to make such requirements apply to a limited area. KRS 150.390(1) prohibits the taking of bears in any manner contrary to any provisions of KRS Chapter 150 or its administrative regulations. This administrative regulation establishes bear hunting and chasing seasons, bear hunting areas, legal methods of taking, and permitting, checking, and recording requirements. [150.025(1) authorizes the department to promulgate administrative regulations to set seasons, establish bag or creel limits, to regulate the buying, selling, or transporting of fish and wildlife, and to make these requirements apply to a limited area. KRS 150.390(1) restricts the possession, taking, or pursuit of bears in any manner contrary to the provisions of KRS Chapter 150 or its administrative regulations.]

Section 1. Definitions. (1) "Adult" means an individual who is at least eighteen (18) years of age.

(2) "Archery equipment" means a long bow, recurve bow, or compound bow incapable of holding an arrow at full or partial draw without aid from the archer.

(3) "Arrow" means the projectile fired from a bow or crossbow.

(4) "Baited area" means an area where feed, grains, or other substances capable of luring black bears have been placed.

(5) "Barbed broadhead" means a point or portion of a blade projecting backward from a broadhead designed to hold an arrow within an animal.

(6) "Bear" means the species *Ursus americanus*. [americanus;]

(7) "Bear chase area" means a designated area within the Bear Zone where hunters may use dogs to chase bears.

(8) "Bear chase permit" means a permit, which in conjunction with appropriate licenses, seasons, and methods, allows the holder to use dogs to chase a bear.

(9) "Bear permit" means a permit, which in conjunction with appropriate licenses, seasons, and methods, allows the holder to take one (1) black bear of either sex.

(10) "Bear zone" means the following Kentucky counties: Bell, [8] "Bear zone" means the following Kentucky counties:] Harlan, Letcher, and Pike.

(11) "Chase-only season" means a designated season when a person may use dogs to chase a bear, without killing or intentionally injuring a bear.

(12)[(9)] "Crossbow" means a bow designed or fitted with a device to hold an arrow at full or partial draw without aid from the archer.

(13)[(10)] "Firearm" means a breech or muzzle-loading rifle, shotgun, or handgun.

(14)[(11)] "Fully-automatic firearm" means a firearm which fires more than one (1) time with a single pull from the trigger.

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(15)[(12)] "License year" means the period from March 1 through the following last day of February.

(16)[(13)] "Modern gun" means a rifle, handgun, or shotgun which is loaded from the rear of the barrel.

(17)[(14)] "Muzzle-loading gun" means a rifle, shotgun, or handgun which is loaded from the discharging end of the barrel or discharging end of the receiver.

(18)[(15)] "Shotshell" means ammunition discharged from a shotgun.

(19)[(16)] "Youth" means a person under the age of sixteen (16) by the day of the hunt.

Section 2. Feeding Black Bears. A person shall not engage in any direct or indirect feeding of black bears.[and Pursuing Black Bears. A person shall not:

- (1) Engage in any direct or indirect feeding of black bears; or
- (2) Pursue or chase black bears with dogs.]

Section 3. Bear Chase Requirements. (1) A person shall:

(a) Only use dogs to chase bears during:

- 1. A bear chase season; or
- 2. The bear quota hunt with dogs season.

(b) First obtain a bear chase permit from the department before chasing bears:

(2) A bear chase permit may only be purchased by a resident of Kentucky.

(3) Unless exempted by KRS 150.170, a person shall carry proof of purchase of a valid Kentucky hunting license and valid bear chase permit while using dogs to chase bears.

(4) Bear chase permits may be purchased on the department's Web site at fw.ky.gov from:

(a) The effective date of this regulation through August 31 in 2012; and

(b) July 1 through August 31 in subsequent years.

(5) A person shall not:

(a) Kill or intentionally injure a bear during a chase-only season;

(b) Chase a bear except during daylight hours when a chase season is open;

(c) Chase a bear from a baited area:

- 1. While bait is present; or
- 2. For thirty (30) days after the bait has been removed; and

(d) Disturb a bear in a den.

(6) Individual hunt groups shall include no more than five (5) people and eight (8) dogs.

(7) Any dog transported in a motorized vehicle by members of a hunt group shall be considered a member of that hunt group.

(8) The department shall supply a bear chase survey to each person purchasing a bear chase permit.

(9) A person who purchases a bear chase permit shall submit to the department a completed bear chase survey by the last day of January following each bear season.

(10) A person who fails to submit a bear chase survey shall be ineligible to purchase a bear chase permit for the following year's chase seasons.

(11) A person shall only use a dog to chase a bear in the following designated areas:

- (a) Eastern chase area;
- (b) Central chase area; and
- (c) Western chase area.

Section 4. Chase-Only Season Dates. (1) A person shall not use a dog to chase a bear except during the following seasons:

(a) The early chase-only season shall be from:

1. The effective date of this regulation through August 31 in 2012; and

2. August 1 through August 31 for all subsequent years;

(b) The late chase-only season shall be from the Monday following the bear quota hunt with dogs season established in Section 8 of this administrative regulation for five (5) consecutive days.

(2) The bear quota hunt season pursuant to Section 8 of this administrative regulation shall be open as a chase-only season if the annual bear harvest quota specified in Section 9(1) of this administrative regulation is met during the regular bear hunt season.

Section 5. Bear Permit Requirements.[Section 3. License and Bear Permit Requirements.] (1) [A bear permit may] Only [be purchased by] a resident of Kentucky shall be allowed to purchase a bear permit.[; and]

(2) Unless exempted by KRS 150.170, a person hunting a bear shall possess proof of purchase of [have] a valid Kentucky hunting license and valid bear permit while hunting.

Section 6.[Section 4.] Hunter Restrictions. (1) A person shall not:

(a) Harvest a bear except during daylight hours;

(b) Use dogs during the regular bear hunting season.[dogs,] except leashed tracking dogs may be used to recover wounded bears;

(c) Hunt bear on a baited area:

- 1. While bait is present; or
- 2. For thirty (30) days after the bait has been removed;

(d) Harvest:

- 1. A female bear that has a cub; or
- 2. A bear that weighs less than seventy-five (75) pounds;

(e) Harvest a bear that is swimming; and

(f) Harvest a bear if the person is in a vehicle, boat, or on horseback, except that a hunter in possession of a disabled hunting exemption permit issued by the department may use a stationary vehicle as a hunting platform;

(g) Harvest a bear in a den; or

(h) Disturb a bear in a den for the purpose of taking the bear when it exits the dens.

(2) An adult shall accompany and maintain control of a youth who is hunting bear with a firearm.

(3) A person shall use dogs to chase bears with the intent to harvest only during the quota hunt with dogs season.

Section 7.[Section 5.] Weapon Restrictions. (1) A person shall not use the following to take a bear:

(a) A device capable of taking a bear other than a firearm, crossbow, or archery equipment;

(b) A modern firearm less than .270 caliber;

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

(d) A shotgun less than twenty gauge;

(e) Rimfire ammunition;

(f) A fully automatic weapon;

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

(h) Steel-jacketed ammunition;

(i) Tracer bullet ammunition;

(j) A shotshell 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; and

(o) An arrow with a chemical attachment.

(2) A person shall not take a bear with a handgun that:

(a) Does not have a barrel length of at least six (6) inches;

(b) Does not have a bore diameter of at least 0.270 inches; and

(c) Does not fire a bullet that produces at least 550 ft/lbs of energy at 100 yards.

Section 8. Bear Season Dates and Bag Limits. (1) A legal bear hunter shall only kill a bear during the following seasons:

(a) The regular bear season shall be for three (3) consecutive days beginning on the second Saturday in December; and

(b) The quota hunt with dogs season shall be for five (5) consecutive days beginning on the Monday following the regular bear season.

(2) A person shall only hunt bears in the bear zone during the regular bear season.

(3) A person shall only use dogs to hunt bears in the bear chase areas during the quota hunt with dogs season.

(4) A person shall not take more than one (1) bear in a license year.

(5) A hunt party drawn for the quota hunt with dogs season shall not take more than one (1) bear in a license year.

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Section 9. Bear Season Closure. (1) Any open hunting season for bears shall close after daylight hours on the day when the following annual quota has been reached:

- (a) Ten (10) bears; or
- (b) Five (5) female bears.

(2) A bear hunter shall call 800-858-1549 after 9 p.m. each day of any open bear season to determine if the annual quota has been reached.

Section 10. Quota Hunt with Dogs Requirements. (1) A person shall apply for the quota hunt on the department's Web site at fw.ky.gov from September 1 through September 30.

(2) An applicant shall possess a bear chase permit before applying.

(3) A person shall not:

- (a) Apply more than one (1) time;
- (b) Apply as a party of more than five (5) people; and
- (c) Be eligible to participate unless drawn by the department in the bear quota hunt lottery.

(4) If the annual bear quota specified in Section 9(1) of this administrative regulation is not met during the regular bear season, the following shall apply:

(a) A person or party drawn for the quota hunt shall be allowed to use dogs to hunt for bears;

(b) A bear shall only be harvested with the use of unleashed dogs;

(c) A person or each member of a hunt party selected for the quota hunt shall possess a bear permit in order to kill a bear.

(d) The season shall close after daylight hours on the day when the annual quota has been reached pursuant to Section 9(1) of this administrative regulation.

Section 11.[6.] Hunter Orange Clothing Requirements. (1) During any modern gun or muzzle-loading season for bears, a person hunting any species, and any person accompanying a hunter, shall display solid, unbroken hunter orange visible from all sides on the head, back, and chest, except these requirements shall not apply to a person hunting:

- (a) Waterfowl; or
 - (b) Furbearers at night during a legal furbearer season.
- (2) The hunter orange portions of a garment worn to fulfill the requirements of this section:

- (a) May display a small section of another color; and
- (b) Shall not have mesh weave openings exceeding one-fourth (1/4) inch by any measurement.

[Section 7. Bear Zone Season Dates and Bag Limits. (1) A person shall only harvest a bear in the Bear Zone.

(2) The bear season shall be for two (2) consecutive days beginning on the second Saturday in December.

(3) A person shall not take more than one (1) bear in a license year.

Section 8. Bear Quota and Season Closure. (1) The bear season shall close after daylight hours on the day when the following quota has been reached:

- (a) Ten (10) bears; or
- (b) Five (5) female bears.

(2) A bear hunter shall call 800-858-1549 after 9 p.m. each day of the legal bear season to determine if the annual quota has been reached.]

Section 12.[9.] Bear Sanctuaries. (1) The following areas within the Bear Zone shall be closed to bear hunting:

- (a) Cumberland Gap National Historical Park;
- (b) Hensley-Pine Mountain Wildlife Management Area; and
- (c)[(b)] The area surrounding Hensley-Pine Mountain Wildlife Management Area: starting at the intersection of Sand Hill Bottom Road and North US Hwy 119 in Cumberland, the boundary proceeds northeast along North US Hwy 119 to the intersection of US Hwy 119 and Kentucky Hwy 2035. The boundary then proceeds west along Kentucky Hwy 2035 to the intersection of Kentucky Hwy 2035 and Kentucky Hwy 931. The boundary continues south-west along Kentucky Hwy 931 to the intersection of Kentucky Hwy 931 and Kentucky Hwy 160, then proceeds southwest along Ken-

tucky Hwy 160 to the intersection of Kentucky Hwy 160 and Kentucky Hwy 463 in Gordon. The boundary then proceeds south and east along Kentucky Hwy 160 to the intersection of Kentucky Hwy 160 and Sand Hill Bottom Road in Cumberland, then south along Sand Hill Bottom Road to the intersection with North US Hwy 119, completing the boundary.

(2) Kentucky resident landowners, their spouses, and dependent children may hunt bears on their own property within the closed area referenced in subsection (1)(c)[subsection (1)(b)] of this section.

Section 13.[10.] Harvest Recording and Check-in Requirements. (1) Immediately after harvesting a bear, and before moving the carcass, a person shall record on a hunter's log the:

- (a) Species taken;
- (b) Date taken;
- (c) County where taken; and
- (d) Sex of the bear.

(2) A person who has harvested a bear during the regular bear season shall:

(a) Retain a completed hunter's log;[and possess a completed hunter's log when the person is in the field during the season;]

(b) Check[Register] a harvested bear at a department-operated check station immediately after leaving the field;

(c) Telecheck the bear before leaving the check station by:

1. Calling 800-245-4263 and completing the telecheck process; and

2. Recording the confirmation number on the hunter's log; and

(d) Attach to the carcass a department issued tag prior to leaving the check station.

(3) A person who has harvested a bear during the bear quota hunt with dogs season shall:

(a) Retain a completed hunter's log;

(b) Telecheck the bear before upon leaving the field by:

1. Calling 800-245-4263 and completing the telecheck process; and

2. Recording the confirmation number on the hunter's log;

(c) Arrange for department personnel to inspect the bear by:

1. Calling the department at 800-858-1549 or 800-252-5378 within twenty-four (24) hours of harvest; and

2. Presenting to department personnel the bear carcass or an intact hide that contains the skull and proof of sex; and

(d) Attach to the carcass a department issued tag after having the bear inspected by department personnel.

Section 14. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "East and Central Bear Chase Areas" map, 2012 edition; and

(b) "West Bear Chase Area" map, 2012 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern time.

BENJY KINMAN, Deputy Commissioner

For DR. JONATHAN GASSETT, Commissioner

MARCHETA SPARROW, Secretary

APPROVED BY AGENCY: March 19, 2012

FILED WITH LRC: April 12, 2012 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2012, at 1 p.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business 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 canceled. This 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 by May 31, 2012. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Rose Mack, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-7109, ext. 4507, fax (502) 564-9136, Email: fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes black bear chase and hunt seasons, chase and hunt requirements, bag limits, and legal methods of take.

(b) The necessity of this administrative regulation: To establish bear hunting season requirements and methods of take to provide reasonable hunting and chasing opportunity, while properly managing bear populations in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations to establish open seasons for the taking of wildlife, regulate bag limits, and to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of bears in any manner contrary to any provisions of Chapter 150 or its regulations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in administering the above statutes by defining the seasons, bag limits, and methods of chase and take used to manage black bears in Kentucky.

(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 will lengthen the gun/archery/crossbow season for bears from two (2) to three (3) days, and add Bell County to the bear zone when bears may be hunted. This amendment also establishes a chase-only season when dogs may be used to pursue bears without the intent to harvest; included is an early season throughout the month of August, and a late 5 day chase-only season in December. Lastly, this amendment establishes a 5-day quota hunt in which hunters may use dogs to harvest a bear in late December. Collectively, the annual quota for bears remains unchanged at ten (10) bears or five (5) female bears, whichever is reached first.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to improve hunter opportunity by lengthening the gun/archery/crossbow season for bears and increasing the area of the zone when bears may be hunted. Likewise, this amendment is necessary to provide a framework for a chase-only season for bears and a conservative take season when dogs may be used.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All hunters that pursue black bears will be affected by this regulatory amendment. In 2011, there were 551 licensed bear hunters 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: Those who hunt bear must comply with the individual requirements and restrictions for respective hunt or chase-only seasons for bears, as listed in the fall hunting guide published by the department.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in ques-

tion (3): The cost for a bear chase permit is thirty dollars (\$30.00) and the cost for a youth bear chase permit is ten dollars (\$10.00) pursuant to 301 KAR 3:022. The application fee for the bear quota hunt is three (3) dollars.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Harvest success for bear hunters should improve by adding one (1) day to the season and including Bell County in the bear zone. Additionally, houndsmen will now have the opportunity to participate in a chase-only season for bears, and a 5-day chase season in which bears may be harvested.

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

(a) Initially: There will be a small administrative cost to the department to implement this regulation.

(b) On a continuing basis: There will be a small cost to the department on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(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: It will not be necessary to increase any other fees or to increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation establishes a three dollar (\$3) application fee for the bear quota hunt with dogs.

(9) TIERING: Is tiering applied? No. Tiering was not used because all persons who hunt bear are required to abide by the same seasons, methods of take, bag limits, harvest recording procedures, and checking 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 Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be 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 150.025 and 150.390.

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 amount of revenue generated by this administrative regulation for the first year is unknown.

(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 amount of revenue generated by this administrative regulation for subsequent years is unknown.

(c) How much will it cost to administer this program for the first year? There will be a small administrative cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be a small administrative cost incurred 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 (+/-): None; see 4 (a) and (b) above.

Expenditures (+/-): None; see 4 (c) and (d) above.

Other Explanation:

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TOURISM, ARTS AND HERITAGE CABINET Kentucky Department of Fish and Wildlife Resources (Amendment)

301 KAR 3:022. License, tag, and permit fees.

RELATES TO: KRS 150.025, 150.175, 150.180, 150.183, 150.240, 150.275, 150.280, 150.290, 150.450, 150.485, 150.520, 150.525, 150.600, 150.603, 150.620, 150.660, 150.720

STATUTORY AUTHORITY: KRS 150.175, 150.195(4)(f), 150.225, 150.620

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.175 authorizes the types of licenses, permits and tags. KRS 150.195(4)(f) requires the department to promulgate an administrative regulation establishing the license and permit terms and the expiration date of licenses and permits. KRS 150.225 authorizes the department to promulgate administrative regulations establishing reasonable license fees relating to hunting, fishing, and trapping. KRS 150.620 authorizes the department to charge reasonable fees for the use of lands and waters it has acquired for wildlife management and public recreation. This administrative regulation establishes fees and terms for licenses, permits, and tags.

Section 1. Licenses, tags, and permits listed in this section shall be valid from March 1 through the last day of February the following year. (1) Sport fishing licenses:

(a) Statewide annual fishing license (resident): twenty (20) dollars;

(b) Statewide annual fishing license (nonresident): fifty (50) dollars;

(c) Joint statewide fishing license (resident): thirty-six (36) dollars; and

(d) Trout permit (resident or nonresident): ten (10) dollars.

(2) Commercial fishing licenses:

(a) Commercial fishing license (resident) plus ten (10) resident commercial gear tags: \$150; and

(b) Commercial fishing license (nonresident) plus ten (10) nonresident commercial gear tags: \$600.

(3) Commercial fishing gear tags (not to be sold singly):

(a) Commercial fishing gear tags (resident) block of ten (10) tags: fifteen (15) dollars; and

(b) Commercial fishing gear tags (nonresident) block of ten (10) tags: \$100.

(4) Hunting licenses:

(a) Statewide hunting license (resident): twenty (20) dollars;

(b) Statewide hunting license (nonresident): \$130;

(c) Statewide junior hunting license (resident or nonresident): five (5) dollars;

(d) Shooting preserve hunting license (resident or nonresident): five (5) dollars;

(e) Statewide waterfowl permit (resident or nonresident): fifteen (15) dollars; and

(f) Migratory game bird permit (resident or nonresident): ten (10) dollars.

(5) Combination hunting and fishing license (resident): thirty (30) dollars.

(6) Senior/disabled combination hunting and fishing license (resident): five (5) dollars.

(7) Trapping licenses:

(a) Trapping license (resident): twenty (20) dollars;

(b) Trapping license (resident landowner/tenant): ten (10) dollars;

(c) Trapping license (nonresident): \$130; and

(d) Junior trapping license (resident): five (5) dollars.

(8) Game permits:

(a) Resident [Game permit, resident] bear: thirty (30) dollars;

(b) Resident bear chase: thirty (30) dollars.

(c) Resident junior chase: ten (10) dollars;

(d) Resident quota elk hunt permit: thirty (30) dollars;

(e) [e)] Nonresident quota elk hunt permit: \$365;

(f) [e)] Resident out-of-zone elk hunt permit: thirty (30) dollars;

(g) [e)] Nonresident out-of-zone elk hunt permit: \$365;

(h) [e)] Game permit, resident deer: thirty (30) dollars;

(i) [e)] Game permit, nonresident deer: sixty (60) dollars;

(j) [e)] Junior game permit, deer (resident or nonresident): ten (10) dollars;

(k) [e)] Bonus antlerless deer permit (two (2) tags per permit (resident or nonresident): fifteen (15) dollars;

(l) [e)] Bonus quota hunt deer permit (resident or nonresident): thirty (30) dollars;

(m) [e)] Game permit, resident spring turkey: thirty (30) dollars;

(n) [e)] Game permit, nonresident spring turkey: sixty (60) dollars;

(o) [e)] Game permit, resident fall turkey: thirty (30) dollars;

(p) [e)] Game permit, nonresident fall turkey: sixty (60) dollars; and

(q) [e)] Junior game permit, turkey (resident or nonresident): ten (10) dollars.

(9) Peabody individual permit: fifteen (15) dollars.

(10) Commercial mussel licenses:

(a) Musseling license (resident): \$400;

(b) Musseling license (nonresident): \$1,600;

(c) Mussel buyer's license (resident): \$600; and

(d) Mussel buyer's license (nonresident): \$1,600.

(11) Sportsman's licenses (resident) (includes resident hunting and fishing combination, spring turkey permit, fall turkey permit, trout permit, state waterfowl permit and game permit for deer): ninety-five (95) dollars.

(12) Junior sportsman's license (resident or nonresident) (includes junior hunting license, junior deer permit, junior turkey permit, trout permit and waterfowl permit): twenty-five (25) dollars.

(13) Land Between the Lakes hunting permit: twenty (20) dollars.

(14) Conservation permit: five (5) dollars.

Section 2. Licenses, tags and permits, listed in this section shall be valid for the calendar year in which they are issued. (1) Live fish and bait dealer's licenses:

(a) Live fish and bait dealer's license (resident): fifty (50) dollars; and

(b) Live fish and bait dealer's license (nonresident): \$150.

(2) Commercial taxidermist license: \$150.

(3) Commercial guide licenses:

(a) Commercial guide license (resident): \$150; and

(b) Commercial guide license (nonresident): \$400.

(4) Shooting preserve permit: \$150.

(5) Dog training area permit: fifty (50) dollars.

(6) Collecting permits:

(a) Educational wildlife collecting permit: twenty-five (25) dollars; and

(b) Scientific wildlife collecting permit: \$100.

(7) Nuisance wildlife control operators (NWCO) permit: \$100;

(8) Pay lake license:

(a) First two (2) acres or less: \$150; and

(b) Per additional acre or part of acre: twenty (20) dollars.

(9) Commercial captive wildlife permit: \$150.

(10) Commercial fish propagation permit: fifty (50) dollars.

(11) Wildlife rehabilitator's permit: twenty-five (25) dollars.

(12) Annual wildlife transportation permit: \$250; and

(13) Peabody Wildlife Management Area annual event permit: \$250; and

(14) Fish transportation permit: twenty-five (25) dollars.

Section 3. Licenses, tags and permits listed in this section shall be valid for three (3) years from the date of issue. (1) Falconry permit: seventy-five (75) dollars.

(2) Noncommercial captive wildlife permit: seventy-five (75) dollars.

Section 4. Licenses, tags and permits listed in this section shall be valid for the date or dates specified on each. (1) Short-term licenses:

(a) One (1) day resident fishing license: seven (7) dollars;

(b) One (1) day nonresident fishing license: ten (10) dollars;

(c) Seven (7) day nonresident fishing license: thirty (30) dollars;

(d) Fifteen (15) day nonresident fishing license: forty (40) dollars.

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(e) One (1) day resident hunting license (not valid for deer, elk, or turkey hunting): seven (7) dollars.

(f) One (1) day nonresident hunting license (not valid for deer, elk, or turkey hunting): ten (10) dollars.

(g) Five (5) day nonresident hunting license (not valid for deer, elk, or turkey hunting): forty (40) dollars;

(h) Three (3) day fur bearer's license: fifty (50) dollars; and

(2) Individual wildlife transportation permit: twenty-five (25) dollars.

(3) Special resident commercial fishing permit: \$600.

(4) Special non-resident commercial fishing permit: \$900.

(5) Commercial waterfowl shooting area permit: \$150.

(6) Shoot to retrieve field trial permits:

(a) Per trial (maximum four (4) days): seventy-five (75) dollars; and

(b) Single day: twenty-five (25) dollars.

(7) Boat dock permit: \$100 per ten (10) year permit period beginning January 1, 2008, except that the fee shall be pro-rated for the number of years remaining in the ten (10) year period.

(8) Shoreline use permit: Valid for a fifteen (15) year permit period beginning January 1, 2010 and shall contain three (3) tiers:

(a) Tier I: \$100;

(b) Tier II: \$200;

(c) Tier III: \$300; and

(d) The fees shall be pro-rated to the nearest five (5) year interval remaining in the fifteen (15) year permit period.

(9) Peabody individual event permit: twenty-five (25) dollars.

(10) Commercial Roe-bearing Fish Buyer's permit;

(a) Commercial Roe-bearing Fish Buyer's permit (resident): \$500; and

(b) Commercial Roe-bearing Fish Buyer's permit (nonresident): \$1,000.

(11) Commercial Roe-bearing Fish Harvester's permit:

(a) Commercial Roe-bearing Fish Harvester's permit (resident): \$500; and

(b) Commercial Roe-bearing Fish Harvester's permit (nonresident): \$1,500.

(12) Otter Creek Outdoor Recreation Area:

(a) Daily Entry Permit: three (3) dollars, with children under twelve (12) free; and

(b) Daily Special Activities Permit: seven (7) dollars.

(13) Commercial foxhound training enclosure permit: \$150.

Section 5. Licenses, tags, and permits listed in this section shall be valid on a per unit basis as specified. (1) Ballard waterfowl hunt (per person, per day): fifteen (15) dollars.

(2) Pheasant hunt permit (per person, per day): twenty-five (25) dollars.

(3) Horse stall rental (per space, per day): two (2) dollars.

(4) Dog kennel rental (per dog, per day): fifty (50) cents.

(5) Pond stocking fee (per stocking):

(a) Ponds less than 1.5 surface acres: seventy-five (75) dollars;

(b) Ponds from 1.5 to 2.9 surface acres: \$200; and

(c) Ponds equal to or greater than 3.0 surface acres: \$200 plus \$150 for each additional surface acre of water over 3.0 acres pro-rated on a 0.25 acre basis.

(6) Commercial captive cervid permit (per facility, per year): \$150.

(7) Noncommercial captive cervid permit (per facility; per three years): seventy-five (75) dollars.

Section 6. The following licenses listed in this section shall be valid from April 1 through March 31 of the following year:

(1) Fur processor's license (resident): \$150.

(2) Fur buyer's license (resident): fifty (50) dollars.

(3) Fur buyer's license (nonresident): \$300.

Section 7. The following Otter Creek Outdoor Recreation Act permits shall be valid from July 1 through June 30 of the following year:

(1) Annual Entry Permit: thirty (30) dollars, with children under twelve (12) free; and

(2) Annual Special Activities Permit: seventy (70) dollars.

BENJY T. KINMAN, Deputy Commissioner

For DR. JONATHAN GASSETT, Commissioner

MARCHETA SPARROW, Secretary

APPROVED BY AGENCY: April 10, 2012

FILED WITH LRC: April 12, 2012 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2012, at 11 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business 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 canceled. This 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 by May 31, 2012. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Rose Mack, Kentucky 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, email: fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the fees, terms, and expiration dates for licenses, tags, and permits sold by the Department of Fish and Wildlife Resources.

(b) The necessity of this administrative regulation: This administrative regulation is necessary for the Department of Fish and Wildlife Resources to establish reasonable license fees, permit terms, and the expiration dates of licenses and permits.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.175 establishes the kinds of licenses, permits, and tags. KRS 150.195(4)(f) requires the department to promulgate an administrative regulation establishing the license and permit terms and the expiration date of licenses and permits. KRS 150.225 requires the Department to prescribe reasonable fees for licenses, permits, and registrations authorized by Chapter 150.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation fulfills the requirements and purposes of the statutes identified in (1)(c) by establishing reasonable fees for licenses, permits, and tags issued by the Department.

(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 establishes a Bear Chase Permit for thirty (30) dollars, a Youth Bear Chase Permit for ten (10) dollars, and includes a clean-up item that re-establishes the commercial foxhound training enclosure permit that was issued in previous years.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish Bear Chase Permits in accordance with currently proposed amendments to 301 KAR 2:300 "Black bears" that establish a dog chase season for bears, and to re-establish the commercial foxhound training permit pursuant to 301 KAR 2:041.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All hunters that pursue black bears will be affected by this regulatory amendment. In 2011, there were 551 licensed

bear hunters 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: A person who pursues black bears with dogs during the chase season in designated chase areas will be required to purchase a Bear Chase Permit. A person under the age of sixteen (16) may purchase a Youth Bear Chase Permit.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost for a Bear Chase Permit shall be thirty dollars (\$30.00) and the cost for a Youth Bear Chase Permit shall be ten dollars (\$10.00). An owner of a commercial foxhound training enclosure will be required to pay a \$150 permit fee, which is equivalent to the cost of a commercial captive wildlife permit.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Hunters will now have the opportunity to participate in newly established chase-only seasons for bears using dogs. The proposed chase-only seasons include an early chase season from August 1 – 31 and a late chase season lasting for five (5) days during the third week in December.

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

(a) Initially: There will be no additional cost to the department to implement this administrative regulation.

(b) On a continuing basis: There will be no additional cost to the department on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(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 newly established fees associated with Bear Chase Permits will be necessary to cover the costs of implementing an annual mandatory post-season survey for all persons that participate in this new season.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation establishes new fees for persons that participate in dog chase seasons for bear and re-establishes the commercial foxhound training enclosure permit fee.

(9) TIERING: Is tiering applied? No. Tiering was not applied because all persons who hunt bear and operate commercial foxhound training enclosures are required to abide by the 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 Department's Divisions of Wildlife, Fisheries, Administrative Services, and Law Enforcement will be impacted.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.175 establishes the kinds of licenses, permits, and tags. KRS 150.195(4)(f) requires the department to promulgate an administrative regulation establishing the license and permit terms and the expiration date of licenses and permits. KRS 150.225 requires the Department to prescribe reasonable fees for licenses, permits, and registrations authorized by Chapter 150.

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? It is unknown how much revenue will be generated in the first year, but it is unlikely that it will be over \$5,000.

(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? It is unknown how much revenue will be generated in subsequent years.

(c) How much will it cost to administer this program for the first year? Administrative costs for the first year should not exceed revenue estimated in 4(a).

(d) How much will it cost to administer this program for subsequent years? Administrative costs in subsequent years will not likely exceed revenue.

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

Revenues (+/-): None; see 4 (a) and (b) above

Expenditures (+/-): None; see 4 (c) and (d) above.

Other Explanation:

JUSTICE AND PUBLIC SAFETY CABINET Department of Corrections (Amendment)

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," April 13, 2012[November 9, 2010], are incorporated by reference. Department of Corrections Policies and Procedures include:

- 1.2 News Media (Amended 12/08/09)
- 1.4 The Monitoring and Operation of Private Prisons (Amended 5/15/08)
- 2.1 Inmate Canteen (Amended 2/15/06)
- 2.12 Abandoned Inmate Funds (Added 4/13/12)
- 3.1 Code of Ethics (Amended 07/09/07)
- 3.5 Sexual Harassment and Anti-Harassment (Amended 5/15/08)
- 3.9 Student Intern Placement Program (Added 9/13/2010)
- 3.10 Appearance and Dress for Nonuniformed Staff (Amended 9/13/10)
- 3.11 Drug Free Workplace Employee Drug Testing (Amended 9/13/10)
- 3.14 Employee Time and Attendance Requirements (Added 9/13/2010)
- 3.17 Uniformed Employee Dress Code (Amended 4/10/06)
- 3.23 Internal Affairs Investigation (Added 8/25/09)
- 4.4 Educational Assistance Program (Amended 8/25/09)
- 5.1 Research and Survey Projects (Amended 5/15/08)
- 5.3 Program Evaluation and Measurement (Added 4/13/12)
- 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)
- 9.6 Contraband (Amended 4/13/12[12/13/05])
- 9.8 Search Policy (Amended 11/9/10)
- 9.13 Transport to Court - Civil Action (Amended 07/09/07)

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- 9.18 Informants (Amended 9/13/10)
- 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 4/13/12[8/25/09])
- 10.3 Safekeepers and Contract Prisoners (Amended 9/15/04)
- 11.2 Nutritional Adequacy of Inmate Diet (Amended 5/15/08)
- 11.4 Alternative Dietary Patterns (Amended 5/15/08)
- 13.1 Pharmacy Policy and Formulary (Amended 8/25/09)
- 13.2 Health Maintenance Services (Amended 11/9/10)
- 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 5/15/08)
- 13.7 Involuntary Psychotropic Medication (Amended 10/14/05)
- 13.8 Substance Abuse Program (Amended 11/9/10)
- 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)
- 13.12 Suicide Prevention and Intervention Program (Added 8/25/09)
- 14.1 Investigation of Missing Inmate Property (Amended 10/14/05)
- 14.2 Personal Hygiene Items (Amended 9/13/10)
- 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 4/13/12[5/15/08])
- 14.7 Sexual Abuse Assault Prevention and Intervention Programs (Amended 11/15/06)
- 15.1 Hair, Grooming and ID Card Standards (Amended 9/13/10)
- 15.2 Rule Violations and Penalties (Amended 9/13/10)
- 15.3 Meritorious Good Time (Amended 12/13/05)
- 15.4 [Treatment] Program[Time] Credit (Amended 4/13/12[12/08/09])
- 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 11/9/10)
- 15.8 Unauthorized Substance Abuse Testing (Amended 10/14/05)
- 16.1 Inmate Visits (Amended 4/13/12[8/25/09])
- 16.2 Inmate Correspondence (Amended 11/9/10)
- 16.3 Inmate Access to Telephones (Amended 9/13/10)
- 16.4 Inmate Packages (Amended 07/09/07)
- 17.1 Inmate Personal Property (Amended 8/25/09)
- 17.2 Assessment Center Operations (Amended 11/15/06)
- 17.3 Controlled Intake of Inmates (Amended 5/15/08)
- 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 4/13/12[5/15/08])
- 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 12/08/09)
- 20.1 Educational Programs and Educational Good Time (Amended 8/25/09)
- 22.1 Privilege Trips (Amended 10/14/05)
- 23.1 Religious Programs (Amended 9/13/10)
- 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 11/9/10)
- 25.11 Victim Services Notification (Amended 8/25/09)
- 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.

LADONNA H. THOMPSON, Commissioner

APPROVED BY AGENCY: April 13, 2012

FILED WITH LRC: April 13, 2012 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2012, at 9:00 a.m. at the Justice & Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing 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 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 May 31, 2012. 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: Amber Arnett, Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, Frankfort, Kentucky 40601, phone: (502) 564-3279, fax (502) 564-6686.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Debbie Kays (502) 564-2220

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation incorporates by reference the 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 and 197.020 and to meet ACA requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation governs the 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 brings the Kentucky Department of Corrections into compliance with ACA Standards and updates current practices for the department and its facilities.

(b) The necessity of the amendment to this administrative regulation: To conform to the requirements of KRS 196.035 and 197.020.

(c) How the amendment conforms to the content of the author-

izing statutes: It permits the Secretary of the Cabinet or his delegate and the Commissioner 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 state correctional 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, 3,939 employees and 21,388 inmates, and all visitors, volunteers, and others who enter 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 institutional employees and inmates of the Department of Corrections will have to change their actions to comply with any operational changes made by this regulation. Others who enter correctional institutions will have to comply with policies concerning entry, search, contraband and others when they enter an institution.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): An exact cost of compliance is unknown, but it is not anticipated that the amendment to this administrative regulation will increase current costs.

(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 state correctional institutions.

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

(a) Initially: none

(b) On a continuing basis: none

(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: Budgeted Funds will be used.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The regulation establishes fees for inmates, e.g. health services co-pays.

(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 operate, 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 operate, 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:

Education and Workforce Development Cabinet Kentucky Board of Education Department of Education (Amendment)

703 KAR 5:070. Procedures for the inclusion of special populations in the state-required assessment and accountability programs.

RELATES TO: KRS 158.6451, 158.6453, 158.6455

STATUTORY AUTHORITY: KRS 156.029, 156.070, 158.6453, 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6455 provides the Kentucky Board of Education with the authority to promulgate administrative regulations to create and implement a balanced statewide assessment and accountability program that measures the achievement of students, schools, and districts, complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability~~[establish a system of determining successful schools and a system of rewards and assistance for certified staff in schools and districts]~~. This administrative regulation establishes procedures for the inclusion of special student populations in the state-required assessment and accountability programs.

Section 1. Incorporation by Reference. (1) "Procedures for Inclusion of Special Populations in the State-Required Assessment and Accountability Programs", April 2012~~[February 12, 2009]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, Office of Assessment and Accountability, 17th~~[4th]~~ Floor, Capitol Plaza Tower, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070 (4).

TERRY HOLLIDAY, PH.D., Commissioner
DAVID KAREM, Chairperson

APPROVED BY AGENCY: April 12, 2012

FILED WITH LRC: April 12, 2012 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on May 25, 2012, at 10:00 a.m. in the State Board Room, 1st Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting 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 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 May 31, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Kevin C. Brown, General Counsel, Kentucky Department of Education, First Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, or email at kevin.brown@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures for the inclusion of special student populations in the state-required assessment and accountability system to classify schools and districts.

(b) The necessity of this administrative regulation: KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced statewide assessment program that measures the achievement of students, schools, and districts, complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides information necessary for implementation of the statewide assessment and accountability system. The regulation provides procedures for inclusion of special populations in the requirements of KRS 158.6453, KRS 158.6455, and the No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides guidance on the inclusion of special populations in the state-required assessment and accountability programs. The regulation defines accommodations permitted with state-required testing for students with particular education plans (Individualized Education Programs (IEPs), 504 Plans, and Program Services Plans for English learners), for students enrolled in particular programs (alternative programs, state agency, home/hospital settings), and for students participating in the alternate assessment program.

(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 makes policy changes (to remove the use of the reader accommodation on reading tests; to provide a waiver to allow a reader for students with special circumstances; to remove the use of a calculator on the non-calculator portion of the state assessments; to redefine prompting and cueing to a cue to remain on task; to add a 3 x 5 notecard under manipulatives; for English learners, to remove student-generated glossaries and focus on word-to-word translation); removes outdated terminology; reorganizes the document incorporated by reference; and adds clarification.

(b) The necessity of the amendment to this administrative regulation: The amendment provides clarification and aligns Kentucky's accommodation policy to the policies used in most states and with national programs (e.g., National Assessment of Educa-

tional Progress (NAEP)).

(c) How the amendment conforms to the content of the authorizing statute: The amendment provides guidance on inclusion of special populations in the requirements of KRS 158.6453, KRS 158.6455, and the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides necessary clarification on testing accommodations to ensure valid test results.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public school districts in Kentucky and supporting staff in the Kentucky Department of Education.

(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: The regulation will impact schools and districts by providing guidance on the inclusion of students in special populations in the assessment and accountability system used to classify school and district performance.

(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 in schools and school districts administer the state-required assessment using consistent rules and procedures. The amendment ensures consistent procedures for the inclusion of students in special populations.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no new costs to school districts.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Kentucky schools and districts will have clear guidance on the inclusion of students in special populations in the assessment and accountability system.

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

(a) Initially: The proposed amendment will require development of new explanatory materials and data programs for the new assessment and accountability program in the normal course of work for staff. No additional costs are expected.

(b) On a continuing basis: The proposed amendment to the regulation does not result in additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KDE operating 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: Current funding supports implementation and data reporting for school and district accountability.

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

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts.

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? Public schools and districts.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 158.6453, KRS 158.6455, and the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq.

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.

There will be no additional revenue generated by the amendment to this administrative regulation. No additional costs to school districts are expected.

(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? None.

(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? None.

(c) How much will it cost to administer this program for the first year? The proposed amendment to this administrative regulation will require no additional cost.

(d) How much will it cost to administer this program for subsequent years? The proposed amendment to this administrative regulation will require no additional 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:

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education
(Amendment)

704 KAR 3:340. Commonwealth Diploma Program.

RELATES TO: KRS 156.070, 156.160

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 authorizes the Kentucky Board of Education to prescribe courses of study, curriculums, and programs as it deems necessary for the common schools. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations determining the courses of study for the different grades and the requirements for graduation from offered courses. This administrative regulation implements a Commonwealth Diploma Program and sets forth the conditions and criteria under which a Commonwealth Diploma shall be issued.

Section 1. (1) The Kentucky Board of Education shall award to each student in the public schools of this state completing a Commonwealth Diploma Program a Commonwealth Diploma.

(2) The diploma shall be printed by the Kentucky Department of Education and sent to the appropriate district upon verification of program completion to the Department of Education by the local district. The diploma shall be issued in the name of the student.

(3) A student receiving a Commonwealth Diploma shall be cited as a recipient at graduation ceremonies.

Section 2. The requirements for obtaining a Commonwealth Diploma shall include:

(1) Successful completion of at least twenty-two (22) approved units of credit, including all the minimum unit requirements for high school graduation established in 704 KAR 3:305 and any additional units specified by the applicable local board of education;

(2) Successful completion of all minimum requirements of the Precollege Curriculum established by the Council on Postsecondary Education in 13 KAR 2:020;

(3)(a) Successful completion (i.e., receiving a grade or the equivalent of "C" or better) of at least four (4) courses, which contain essential content as described in the Advanced Placement (AP) Program Course Description booklets of the College Entrance Examination Board and which include:

1. English - one (1) course;

2. Science or mathematics - one (1) course (selected from biology, chemistry, or physics, or mathematics);

3. Foreign language - one (1) course (selected from French, German, Latin, or Spanish); and

4. One (1) additional AP course (selected from English, science, foreign language, history, computer science, political sci-

ence, music, or art);

(b) Successful completion (i.e., receiving a grade or the equivalent of "C" or better) of at least four (4) courses, which contain essential content as described in the International Baccalaureate (IB) program course description booklets and which include:

1. Language A, the student's first language English, - one (1) course;

2. Natural or experimental science or mathematics - one (1) course (selected from biology, chemistry, physics, or mathematics);

3. Language B, a foreign language - one (1) course (selected from French or Spanish); and

4. One (1) additional IB or AP course; or

(c) A combination of AP and IB courses that address the content areas specified in this section; or

(4) Completion of one (1) AP Examination in at least three (3) of the AP or IB areas specified in subsection (3) of this section, without regard to score. [Section 3. (1) Reimbursement to the local school district by the Department of Education for the costs of the required AP examinations for a student successfully completing the criteria established in Section 2(4) of this administrative regulation shall be contingent upon the student receiving a minimum composite score of eight (8) on the three (3) required AP examinations.

(2) Reimbursement funds shall be sent to local districts once each year on the basis of documentation supplied by the district.]

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070 (4).

TERRY HOLLIDAY, PH.D., Commissioner

DAVID KAREM, Chairperson

APPROVED BY AGENCY: April 12, 2012

FILED WITH LRC: April 12, 2012 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on May 25, 2012, at 10:00 a.m. in the State Board Room, 1st Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting 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 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 May 31, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Kevin C. Brown, General Counsel, Kentucky Department of Education, First Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, phone (502) 564-4474, fax (502) 564-9321 or email at kevin.brown@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the Commonwealth Diploma Program. The program provides state recognition at graduation ceremonies to students who complete the program criteria and attend school in districts that participate in the voluntary program.

(b) The necessity of this administrative regulation: The provisions of KRS 156.070 do not require the Kentucky Board of Education to implement a graduation recognition program, but it does grant the Board the authority to do so.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides specifics for the criteria and implementation of the Commonwealth Diploma Program as permitted by KRS 156.070.

(d) How this administrative regulation currently assists or will

assist in the effective administration of the statutes: This administrative regulation provides specifics for the criteria and implementation of the Commonwealth Diploma Program as permitted by KRS 156.070.

(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 deletes Section 3 of this administrative regulation. The amendment will discontinue reimbursement by the Department for the costs of the AP examinations for a student who scores a minimum composite score on the AP examinations. Students will continue to be eligible for the diploma through 2012-2013, but without reimbursement for AP examination fees.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary due to budget constraints that prevent the Department from issuing reimbursement for earning the composite score of 8 on 3 Advanced Placement or International Baccalaureate examinations. The Department currently reimburses \$280,000.00 annually.

(c) How the amendment conforms to the content of the authorizing statute: This amendment conforms to the authorizing statute because KRS 156.070 permits the Kentucky Board of Education to set the criteria for the program.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will clarify for districts, schools, parents and stakeholders the fact that beginning in the 2012-13 academic year, students will no longer be eligible for reimbursement for composite scores of 8 across 3 Advanced Placement or International Baccalaureate examinations, but will remain eligible for the diploma for the 2012-13 academic year.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All school districts in Kentucky are eligible to participate, which is coordinated by staff in the Kentucky Department of Education.

(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:

District will need to submit the names of students who have met the criteria for the Commonwealth Diploma but will not have to track or submit names of students with composite scores of 8 across 3 Advanced Placement or International Baccalaureate examinations. The district may choose to reimburse those students but would not be required by regulation to do so.

(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 school districts unless they choose to reimburse students. This regulation does not require districts to reimburse for AP exam fees.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be a reduction of paperwork for districts and the Department. The Department will no longer be required to expend unbudgeted funds to cover the costs of reimbursement.

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

(a) Initially: The proposed amendment does not result in additional cost.

(b) On a continuing basis: The proposed amendment does not result in additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is required.

(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 proposed amendment does not result in additional costs.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or increase any

fees. However, individual students or districts will be responsible for the payment of all AP exam fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all school districts participating in the program.

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? School districts.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.070 and KRS 156.160 authorized this action but do not specifically require the action.

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. There will be no additional revenue generated by this administrative regulation. This regulation does not produce any additional revenue or require any expenditure. School districts may choose to reimburse students for qualifying exam fees, but are not required to do so.

(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? None.

(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? None.

(c) How much will it cost to administer this program for the first year? The proposed amendment will require no additional cost. However, school districts may choose to reimburse students for qualifying AP exam fees, but are not required to do so.

(d) How much will it cost to administer this program for subsequent years? The proposed amendment will require no additional 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:

PUBLIC PROTECTION CABINET Department of Insurance Financial Standards and Examination Division (Amendment)

806 KAR 3:190. Risk-based capital for insurers.

RELATES TO: KRS 304.3-120, 304.3-140, 304.3-240, 304.5-020, 304.5-030, 304.5-040, 304.5-050, 304.5-060, 304.5-070, 304.5-080, 304.5-110, 304.6, 304.7, 304.24-350, 304.33, 304.49-010

STATUTORY AUTHORITY: KRS 304.2-110, 304.3-125

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes the Commissioner of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code, as defined by KRS 304.1-010. KRS 304.3-125 authorizes the commissioner to promulgate administrative regulations addressing requirements for additional capital and surplus based on the kind, type, volume and nature of insurance business transacted up to the standards prescribed by the National Association of Insurance Commissioners. This administrative regulation establishes risk-based capital requirements for all insurers authorized to transact insurance business in Kentucky.

Section 1. Definitions. (1) "Adjusted RBC report" means an

RBC report which has been adjusted by the commissioner in accordance with Section 3(6)(2)(6) of this administrative regulation.

(2) "Authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC instructions.

(3) "Company action level RBC" means the product of two (2.0) and its authorized control level RBC.

(4) "Corrective order" means an order issued by the commissioner specifying corrective actions which the commissioner has determined are required.

(5) "Domestic insurer" is defined by KRS 304.1-070(1).

(6) "Foreign insurer" is defined by KRS 304.1-070(2).

(7) "Fraternal benefit society" is defined by KRS 304.29-011.

(8) "Insurer" is defined by KRS 304.1-040.

(9)(9) "Life and health insurer" means any insurer licensed to write insurance as defined in KRS 304.5-020, 304.5-030, and 304.5-040 or a licensed property and casualty insurer writing only accident and health insurance.

(10)(9) "Mandatory control level RBC" means the product of seven-tenths (.70) and the authorized control level RBC.

(11)(10) "NAIC" is defined by KRS 304.7-012(59).

(12)(11) "Negative trend" means, with respect to a life or health insurer or a fraternal benefit society, negative trend over a period of time, as determined in accordance with the "Trend Test Calculation" included in the Life or Fraternal RBC instructions.

(13)(12) "Property and casualty insurer" means any insurer licensed to write insurance as defined in KRS 304.5-050, 304.5-060, 304.5-070, 304.5-080, and 304.5-110, except for monoline mortgage guaranty insurers, financial guaranty insurers, and title insurers.

(14)(13) "RBC" means risk-based capital.

(15)(14) "RBC instructions" means the RBC Report including risk-based capital instructions adopted by the NAIC.

(16)(15) "RBC Level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC.

(17)(16) "RBC plan" means a comprehensive financial plan containing the elements specified in Section 4(2) of this administrative regulation.

(18)(17) "RBC report" means the report required in Section 3 of this administrative regulation.

(19)(18) "Regulatory action level RBC" means the product of one and five-tenths (1.5) and its authorized control level RBC.

(20)(19) "Revised RBC plan" means an RBC plan that has been rejected by the commissioner and then revised by the insured.

(21)(20) "Total adjusted capital" means the sum of:

(a) An insurer's statutory capital and surplus as determined in accordance with the statutory accounting applicable to the annual financial statements required to be filed under KRS 304.3-240; and

(b) Any other items as specified in the RBC instructions.

Section 2. The provisions of this administrative regulation shall apply to the following insurers:

(1) All domestic insurers, whether or not they purport to do business in this state;

(2) All insurers who are doing or have done[,], an insurance business in this state[,], and against whom claims arising from that business may exist now or in the future;

(3) All insurers who purport to do an insurance business in this state;

(4) All insurers who have insureds resident in this state;

(5) All other persons organized or in the process of organizing with the intent to do an insurance business in this state;

(6) A fraternal benefit society as defined in Subtitle 29; and

(7) An industrial insured captive insurer as defined by KRS 304.49-010(8).

Section 3. RBC Reports. (1) On or prior to March 1, every domestic insurer shall prepare and submit to the commissioner an RBC report for the calendar year just ended.

(2) The RBC report shall be filed in a form and contain information as is required by the RBC instructions.

(3) In addition, every domestic insurer shall file its RBC report

with:

(a) The NAIC in accordance with the RBC instructions; and

(b) The insurance commissioner in any state in which the insurer is authorized to do business, if the insurance commissioner has notified the insurer of its request in writing, in which case the insurer shall file its RBC report no later than:

1. Fifteen (15) days from the receipt of notice to file its RBC report with that state; or

2. The filing date.

(4) Requirements for life and health insurers:

(a) A life and health insurer's or a fraternal benefit society's RBC shall be determined in accordance with the formula set forth in the RBC instructions.

(b) The formula shall take into account and may adjust for the covariance between the following which are determined in each case by applying the factors in the manner set forth in the RBC instructions:

1. The risk with respect to the insurer's assets;

2. The risk of adverse insurance experience with respect to the insurer's liabilities and obligations;

3. The interest rate risk with respect to the insurer's business; and

4. All other business risks and other relevant risks as are set forth in the RBC instructions.

(5) Requirements for property and casualty insurers:

(a) A property and casualty insurer's RBC shall be determined in accordance with the formula set forth in the RBC instructions.

(b) The formula shall take into account and may adjust for the covariance between the following which shall be determined in each case by applying the factors in the manner set forth in the RBC instructions:

1. Asset risk;

2. Credit risk;

3. Underwriting risk; and

4. All other business risk and other relevant risks as are set forth in the RBC instructions.

(6) If a domestic insurer files an RBC report which in the judgment of the commissioner is inaccurate, then the commissioner shall:

(a) Adjust the RBC report to correct the inaccuracy;

(b) Notify the insurer of the adjustment;

(c) Inform the insurer in writing of the reason for the adjustment; and

(d) Once the RBC report is adjusted, refer to the report as the adjusted RBC report.

Section 4. Company Action Level Event. (1) A company action level event shall be any of the following events:

(a) The filing of an RBC report by an insurer which indicates that:

1. The insurer's total adjusted capital is greater than or equal to its regulatory action level RBC but less than its company action level RBC; ~~or~~

2. If a life or health insurer or a fraternal benefit society, the insurer has:

a. Total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and three (3.0)~~two and five-tenths (2.5)~~; and

b. A negative trend; or

3. If a property and casualty insurer, the insurer:

a. Has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and three (3.0); and

b. Triggers the trend test determined in accordance with the trend test calculation included in the Risk-Based Capital Forecasting & Instructions, Property/Casualty.

(b) The notification by the commissioner to the insurer of an adjusted RBC report that indicates an event in paragraph (a) of this subsection, if the insurer does not challenge the adjusted RBC report under Section 8 of this administrative regulation; or

(c) If, pursuant to Section 8 of this administrative regulation, an insurer challenges an adjusted RBC report that indicates the event in paragraph (a) of this subsection, the notification by the commis-

sioner to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.

(2) If a company action level event occurs, the insurer shall prepare and submit to the commissioner an RBC plan which shall:

(a) Identify the conditions which contribute to the company action level event;

(b) Propose corrective actions which the insurer intends to take in order to eliminate the company action level event;

(c) Provide projections of the insurer's financial results in the current year and at least the four (4) succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions including:

1. Projections of statutory operating income, net income, capital, or surplus; and

2. The projections for both new and renewal business may include separate projections for each major line of business and separately identify each significant income, expense, and benefit component;

(d) Identify the key assumptions impacting the insurer's projections and the sensitivity of the projections to the assumptions; and

(e) Identify the quality of the insurer's business and problems associated with the insurer's business, including the following:

1. Assets;

2. Anticipated business growth and associated surplus strain;

3. Exposure to risk;

4. Mix of business;

5. Use of reinsurance.

(3) The RBC plan shall be submitted:

(a) Within forty-five (45) days of the company action level event; or

(b) If the insurer challenges an adjusted RBC report pursuant to Section 8 of this administrative regulation, within forty-five (45) days after notification to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.

(4) Within sixty (60) days after the submission by an insurer of an RBC plan to the commissioner, the commissioner shall notify the insurer whether the RBC plan shall be implemented or is[.] unsatisfactory.

(5) If the commissioner determines that the RBC plan is unsatisfactory, the notification to the insurer shall set forth the reasons for the determination, and may set forth proposed revisions which will render the RBC plan satisfactory.

(6) Upon notification from the commissioner, the insurer shall prepare a revised RBC plan which may incorporate by reference any revisions proposed by the commissioner, and shall submit the revised RBC plan to the commissioner:

(a) Within forty-five (45) days after the notification from the commissioner; or

(b) If the insurer challenges the notification from the commissioner under Section 8 of this administrative regulation, within forty-five (45) days after a notification to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.

(7) If there is a notification by the commissioner to an insurer that the insurer's RBC plan or revised RBC plan is unsatisfactory, the commissioner may subject to the insurer's right to a hearing under Section 8 of this administrative regulation, specify in the notification that the notification constitutes a regulatory action level event.

(8) Every domestic insurer that files an RBC plan or revised RBC plan with the commissioner shall file a copy of the RBC plan or revised RBC plan with the insurance commissioner in any state in which the insurer is authorized to do business if:

(a) The state has an RBC provision substantially similar to Section 9(1) of this administrative regulation; and

(b) The insurance commissioner of that state has notified the insurer of its request for the filing in writing.

(9) If the insurer is required by subsection (8) of this section to file an RBC plan or revised RBC plan with another state, then it shall be filed in that state by the latter of the following time periods:

(a) Fifteen (15) days after the receipt of notice to file a copy of its RBC plan or revised RBC plan with the state; or

(b) The date on which the RBC plan or revised RBC plan is filed under subsections (3) and (4) of this section.

Section 5. Regulatory Action Level Event. (1) A regulatory action level event shall be any of the following events:

(a) The filing of an RBC report by the insurer which indicates that the insurer's total adjusted capital is greater than or equal to its authorized control level RBC but less than its regulatory action level RBC;

(b) The notification by the commissioner to an insurer of an adjusted RBC report that indicates a regulatory action level event, if the insurer does not challenge the adjusted RBC report under Section 8 of this administrative regulation;

(c) If, pursuant to Section 8 of this administrative regulation, the insurer challenges an adjusted RBC report that indicates a regulatory action level event, the notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge;

(d) The failure of the insurer to file an RBC report by the filing date, unless the insurer has provided an explanation for that failure and has cured the failure within ten (10) days after the filing date;

(e) The failure of the insurer to submit an RBC plan to the commissioner within the time period set forth in Section 4(3) of this administrative regulation;

(f) Notification by the commissioner to the insurer that:

1. The RBC plan or revised RBC plan submitted by the insurer is unsatisfactory; and

2. The notification constitutes a regulatory action level event with respect to the insurer, if the insurer has not challenged the determination under Section 8 of this administrative regulation;

(g) If, pursuant to Section 8 of this administrative regulation, the insurer challenges a determination by the commissioner under subsection (1)(f) of this section, the notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the challenge;

(h) If the insurer has not challenged the determination under Section 8 of this administrative regulation, notification by the commissioner to the insurer that:

1. The insurer has failed to adhere to its RBC plan or revised RBC plan; and

2. The insurer's failure has a substantial adverse effect on the ability of the insurer to eliminate the company action level event in accordance with its RBC plan or revised RBC plan; or

(i) If, pursuant to Section 8 of this administrative regulation, the insurer challenges a determination by the commissioner under paragraph (h) of this subsection, the notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the challenge.

(2) If a regulatory action level event occurs, the commissioner shall:

(a) Require the insurer to prepare and submit an RBC plan or, if applicable, a revised RBC plan;

(b) Perform an examination or analysis of the assets, liabilities, and operations of the insurer including a review of its RBC plan or revised RBC plan; and

(c) Subsequent to the examination or analysis, issue a corrective order specifying corrective actions as the commissioner shall determine are required.

(3) In determining corrective actions, the commissioner may take into account relevant factors based upon the commissioner's examination or analysis of the assets, liabilities, and operations of the insurer, which shall include[.] the results of any sensitivity tests undertaken pursuant to the RBC instructions.

(4) The RBC plan or revised RBC plan shall be submitted:

(a) Within forty-five (45) days after the occurrence of the regulatory action level event;

(b) If the insurer challenges the adjusted RBC report pursuant to Section 8 of this administrative regulation and the challenge is not frivolous, within forty-five (45) days after the notification to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge; or

(c) If the insurer challenges a revised RBC plan pursuant to Section 8 of this administrative regulation and the challenge is not frivolous, within forty-five (45) days after the notification to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.

(5) The commissioner may retain actuaries and investment

experts and other consultants as may be necessary to:

- (a) Review the insurer's RBC plan or revised RBC plan;
 - (b) Examine or analyze the assets, liabilities, and operations of the insurer; and
 - (c) Formulate the corrective order with respect to the insurer.
- (6) The fees, costs, and expenses relating to consultants shall be borne by the affected insurer.

Section 6. Authorized Control Level Event. (1) An authorized control level event shall be any of the following events:

(a) The filing of an RBC report by the insurer which indicates that the insurer's total adjusted capital is greater than or equal to its mandatory control level RBC but less than its authorized control level RBC;

(b) The notification by the commissioner to the insurer of an adjusted RBC report that indicates an authorized control level event, if the insurer does not challenge the adjusted RBC report under Section 8 of this administrative regulation;

(c) If, pursuant to Section 8 of this administrative regulation, the insurer challenges an adjusted RBC report that indicates an authorized control level event, notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge;

(d) The failure of the insurer to respond to a corrective order, if the insurer has not challenged the corrective order under Section 8 of this administrative regulation; or

(e) If the insurer has challenged a corrective order under Section 8 of this administrative regulation and the commissioner has, after a hearing, rejected the challenge or modified the corrective order, the failure of the insurer to respond to the corrective order subsequent to rejection of modification by the commissioner.

(2) If an authorized control level event occurs with respect to an insurer, the commissioner shall:

(a) Take actions as are required under Section 5 of this administrative regulation regarding an insurer to which a regulatory action level event has occurred; or

(b) Take actions as are necessary to cause the insurer to be placed under regulatory control pursuant to KRS Chapter 304, Subtitle 33 if the commissioner determines it to be in the best interest of the policyholders, creditors of the insurer, and public.

(3) The authorized control level event shall be sufficient grounds for the commissioner to take action under KRS Chapter 304, Subtitle 33. If the commissioner takes actions under this section pursuant to an adjusted RBC report, the insurer shall be entitled to the protections afforded to insurers under the provisions of the section pertaining to summary proceedings.

Section 7. Mandatory Control Level Event. (1) A mandatory control level event shall be any of the following events:

(a) The filing of an RBC report which indicates that the insurer's total adjusted capital is less than its mandatory control level RBC;

(b) Notification by the commissioner to the insurer of an adjusted RBC report that indicates a mandatory control level event, if the insurer does not challenge the adjusted RBC report under Section 8 of this administrative regulation; or

(c) If, pursuant to Section 8 of this administrative regulation, the insurer challenges an adjusted RBC report that indicates a mandatory control level event, notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.

(2) If a mandatory control level event occurs for a life insurer or fraternal benefit society:

(a) The commissioner shall take actions as are necessary pursuant to KRS Chapter 304, Subtitle 33.

(b) If the commissioner takes actions pursuant to an adjusted RBC report, the insurer shall be entitled to the protections of KRS Chapter 304, Subtitle 33 pertaining to summary proceedings.

(c) The commissioner may forego action for up to ninety (90) days after the mandatory control level event if the commissioner finds there is a reasonable expectation that the mandatory control level event may be eliminated within the ninety (90) day period.

(3) If a mandatory control level event occurs for a property and casualty insurer:

(a) The commissioner shall take actions as are necessary pursuant to KRS Chapter 304, Subtitle 33.

(b) If an insurer is writing no business and is running-off its existing business, the commissioner may allow the insurer to continue its run-off under the supervision of the commissioner.

(c) The mandatory control level event shall be sufficient grounds for the commissioner to take action under KRS Chapter 304, Subtitle 33.

(d) If the commissioner takes actions pursuant to an adjusted RBC report, the insurer shall be entitled to the protections of KRS Chapter 304, Subtitle 33 pertaining to summary proceedings.

(e) The commissioner may forego action for up to ninety (90) days after the mandatory control level event if the commissioner finds there is a reasonable expectation that the mandatory control level event may be eliminated within the ninety (90) day period.

Section 8. Hearings. (1) Upon any of the following notifications, the insurer shall have the right to a confidential hearing at which the insurer may challenge any determination or action by the commissioner:

(a) Notification to an insurer by the commissioner of an adjusted RBC report;

(b) Notification to an insurer by the commissioner that:

1. The insurer's RBC plan or revised RBC plan is unsatisfactory; and

2. The notification constitutes a regulatory action level event with respect to the insurer;

(c) Notification to any insurer by the commissioner of the following:

1. The insurer has failed to adhere to its RBC plan or revised RBC plan; and

2. This failure has a substantial adverse effect on the ability of the insurer to eliminate the company action level event with respect to the insurer in accordance with its RBC plan or revised RBC plan; or

(d) Notification to an insurer by the commissioner of a corrective order.

(2) The insurer shall notify the commissioner of its request for a hearing within five (5) days after the notification by the commissioner under subsection (1) of this section.

(3) Upon receipt of the insurer's request for a hearing, the commissioner shall set a date for the hearing, which shall be no less than ten (10) nor more than thirty (30) days after the date of the insurer's request.

Section 9. Confidentiality; Prohibition on Announcements, Prohibition on Use in Ratemaking. (1) The following records shall be confidentially disclosed pursuant to the requirements of this administrative regulation and shall be proprietary information that, if disclosed, would create an unfair competitive advantage to competitors and shall be kept confidential by the commissioner:

(a) RBC reports;

(b) RBC plans;

(c) Results or report of an examination or analysis of an insurer performed pursuant to an RBC plan; and

(d) Corrective order.

(2) Comparison of insurer's total adjusted capital to any RBC levels shall be a regulatory tool and shall not be used to rank insurers.

(3) An insurer, agent, broker, or other person engaged in the insurance business shall not disseminate orally or in any manner or cause to be disseminated directly or indirectly to the public an assertion, representation, or statement with regard to RBC levels of any insurer or any component of the calculation.

(4) If a false statement with regard to a comparison of an insurer's total adjusted capital to its RBC levels or an inappropriate comparison is made, and the falsity is substantially proved, an insurer may issue a statement to rebut the false statement.

(5) RBC instructions, RBC reports, adjusted RBC reports, RBC plans, and revised RBC plans:

(a) Shall be used solely by the commissioner in monitoring the solvency of insurers and the need for possible corrective action with respect to insurers;

(b) Shall not be used in rate making or as evidence in rate

proceedings; and

(c) Shall not be used by the commissioner to calculate or derive any elements of an appropriate premium level or rate of return for any line of insurance which an insurer or any affiliate is authorized to write.

Section 10. Exemption. The commissioner may exempt from the application of this administrative regulation any domestic property and casualty insurer which:

- (1) Writes direct business only in this state;
- (2) Writes direct annual premiums of \$2,000,000 or less; and
- (3) Assumes no reinsurance in excess of five (5) percent of direct premium written.

Section 11. Foreign Insurers. (1) Any foreign insurer shall, upon the written request of the commissioner, submit to the commissioner an RBC report for the calendar year just ended.

(2) The RBC report of a foreign insurer shall be filed as follows:

- (a) On the date an RBC report would be required to be filed by a domestic insurer under this administrative regulation; or
- (b) Fifteen (15) days after the request is received by the foreign insurer.

(3) Any foreign insurer shall, at the written request of the commissioner, promptly submit to the commissioner a copy of any RBC plan that is filed with the insurance commissioner of any other state.

(4) The commissioner may require a foreign insurer to file an RBC plan if:

(a) A company action level event, regulatory action level event, or authorized control level event exists as determined by:

1. RBC law applicable in the insurer's state of domicile; or
2. This administrative regulation; and

(b) If the insurance commissioner of the insurer's state of domicile fails to require the foreign insurer to file an RBC.

(5) If the commissioner requires the foreign insurer to file an RBC plan pursuant to subsection (4) of this section, the failure of the foreign insurer to file an RBC Plan with the commissioner shall be grounds to order the insurer to cease and desist from writing new insurance business in this state.

(6) If a mandatory control level event with respect to any foreign insurer occurs, and if no domiciliary receiver has been appointed with respect to the foreign insurer under the rehabilitation and liquidation statute applicable in the state of domicile of the foreign insurer:

(a) The commissioner may make application to the Franklin Circuit Court permitted under KRS Chapter 304, Subtitle 33 with respect to the liquidation of property of foreign insurers found in this state; and

(b) The occurrence of the mandatory control level event shall be considered adequate grounds for the application.

Section 12. Notices. (1) All notices by the commissioner to an insurer which may result in regulatory action pursuant to this administrative regulation shall be effective upon dispatch if transmitted by registered or certified mail; or

(2) If notices are transmitted other than by regular or certified mail, they shall be effective upon the insurer's receipt of the notice.

Section 13. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Risk-Based Capital Forecasting & Instructions, Life" (2011)[(2010)];

(b) "Risk-Based Capital Forecasting & Instructions, Property/Casualty" (2011)[(2010)]; and

(c) "Risk-Based Capital Forecasting & Instructions, Fraternal" (2011)[(2010)].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Insurance, 215 West Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

SHARON P. CLARK, Commissioner

ROBERT D. VANCE, Secretary

APPROVED BY AGENCY: April 10, 2012

FILED WITH LRC: April 12, 2012 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 23, 2012 at 9:00 am, (ET) at the Kentucky Department of Insurance, 215 West Main Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by May 16, 2012, 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 May 31, 2012. 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: DJ Wasson, Staff Assistant, P. O. Box 517, Frankfort, Kentucky 40602, phone (502) 564-0888, fax (502) 564-1453.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: DJ Wasson

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes risk-based capital requirements for all insurers authorized to transact insurance business in Kentucky. This regulation also sets forth the required actions to be taken by both the commissioner and the insurer if the insurer fails to meet the risk-based capital requirements.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide the department with the appropriate monitoring and enforcement tools to ensure the financial solvency of insurers doing business in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code, KRS 304.1-010. KRS 304.3-125 provides that the commissioner may adopt administrative regulations addressing requirements for additional capital and surplus based on the kind, type, volume and nature of insurance business transacted up to the standards prescribed by the National Association of Insurance Commissioners. This administrative regulation includes the requirements for additional capital and surplus in accordance with the risk-based capital requirements adopted by all accredited states.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the process that the department will use in monitoring solvency and the required corrective action for an insurer that does not meet the risk-based capital 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: This amendment will add to the definition of "company action level event" a property and casualty insurer that exhibits a negative trend. The amendment also clearly defines the provisions that apply to a fraternal benefit society.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide the Department of Insurance with appropriate regulatory tools to take appropriate regulatory action against a property and casualty insurer that is exhibiting a negative trend in its financial status.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code, KRS 304.1-010. KRS 304.3-125 provides that the commissioner may adopt administrative regulations addressing requirements for additional capital and surplus based on

the kind, type, volume and nature of insurance business transacted up to the standards prescribed by the National Association of Insurance Commissioners. This amendment includes the negative trend test related to the risk-based capital requirements adopted by all accredited states.

(d) How the amendment will assist in the effective administration of the statutes: This amendment sets forth the process that the department will use in monitoring solvency of a property and casualty insurer.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 1,820 regulated entities will be impacted by this administrative regulation.

(4) Provide an assessment of how the above group or groups 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: Regulated entities are responsible for maintaining capital and surplus in accordance with the requirements set forth in this administrative regulation. Should a regulated entity fail to maintain the capital and surplus required by this administrative regulation, the entity is responsible for following the corrective action set forth in this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Regulated entities have been complying with these requirements for numerous years. There should not be a cost for complying with the updates included in this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, regulated entities will be able to fulfill their financial obligations to their insureds.

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

(a) Initially: There will not be an additional cost to implement this administrative regulation initially. The Department has existing staff to perform this function.

(b) On a continuing basis: There will not be a cost to implement this administrative regulation on a continuing basis.

(6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation: The budget of the Department of Insurance.

(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: An increase in fees will not be necessary to implement this administrative regulation.

(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 new fees nor does it directly or indirectly increase fees.

(9) TIERING: Is tiering applied? Tiering is not applied as the provisions of this administrative regulation apply to all insurers equally.

erate 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 for the Department of Insurance in the first year.

(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 for the Department of Insurance in subsequent years.

(c) How much will it cost to administer this program for the first year? This regulation will be revenue neutral. There will not be an additional cost to administer this program in the first year. Existing staff at the Department of Insurance currently perform this function.

(d) How much will it cost to administer this program for subsequent years? There will not be an additional cost to administer this program 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 (+/-):

Expenditures (+/-):

Other Explanation: The amendment to this existing administrative regulation offers technical clarifications and will not have a revenue impact.

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 Department of Insurance will be 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 304.2-110, 304.3-125

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 gen-

NEW ADMINISTRATIVE REGULATIONS RECEIVED THROUGH NOON, APRIL 13, 2012

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(New Administrative Regulation)

501 KAR 6:260. Procedures for recommendation of early termination of probation and review of compliance of supervised individuals.

RELATES TO: KRS Chapters 196, 439

STATUTORY AUTHORITY: KRS 196.035, 439.470, 439.552

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 439.470, and 439.552 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 and to establish procedures for recommending early termination of probation. This administrative regulation establishes the procedures for recommendations for early termination of probation for a supervised individual who meets the criteria stated in KRS 439.552 and review of probation compliance of a supervised individual.

Section 1. Definitions. (1) "Probationer" means a person who has been sentenced to probation and ordered by a court with jurisdiction over the sentence to be supervised by the Department of Corrections;

(2) "Risk and needs assessment" is defined in KRS 446.010(35).

(3) "Officer" or "probation and parole officer" means a person employed by the Department of Corrections Division of Probation and Parole who supervises, counsels, and directs an offender on probation or parole.

(4) "Case plan" is defined in KRS 446.010(6).

Section 2. Review of Compliance of a Supervised Individual.

(1) Timing of compliance review. The compliance review shall be conducted at the time that the probationer has a risk and needs reassessment pursuant to KRS 439.552 and 501 KAR 6:020, incorporating by reference CPP 12.1.

(2) Arrests. The officer supervising a probationer shall determine if the probationer has had any new arrests during the period of supervision. If the probationer has had an arrest, then the probationer shall not:

(a) Be eligible for recommendation of early termination of probation pursuant to KRS 439.552; or

(b) Be reviewed again for recommendation of early termination of probation.

(3) Reduction in risk factors. The officer supervising a probationer shall review the results of the most recent risk and needs assessment to determine whether there has been a reduction in the probationer's risk factors.

(4) Restitution and financial obligations. The officer supervising a probationer shall verify whether the probationer has:

(a) Satisfied all court ordered restitution; and

(b) Paid all other court ordered financial obligations at a minimum in the following manner:

1. Paid at least ninety (90) percent of a lump sum obligation; and

2. Shall not be more than one payment behind in scheduled payment obligations, including but not limited to court ordered child support obligations, supervision fees, and drug testing fees.

(5) Case plan. The officer supervising a probationer shall review a probationer's case plan to determine if the probationer has met the requirements of the plan during the period of supervision required in KRS 439.552(1)(a)1.

(6) Time on supervision. The officer supervising a probationer shall review the probationer's time on supervision to determine if the probationer has spent a minimum of eighteen months on supervision.

(7) Supervision compliance. The officer supervising a probationer shall review the probationer's compliance with the terms of supervision to determine if the probationer has a minimum of

twelve months without violations.

Section 3. Recommendation to Court of Early Termination of Probation. (1) If the probationer meets the requirements of KRS 439.552(1)(a) and (2) and Section 2 of this administrative regulation, then the officer shall submit to the releasing court a report that shall include but not be limited to the following:

(a) A description of the probationer's progress while under supervision including compliance with the regular conditions of supervision;

(b) Specific information related to the completion of any special conditions ordered by the releasing court;

(c) Other relevant information regarding compliance with court ordered conditions of supervision and community stability issues; and

(d) Whether the officer recommends that the court consider the probationer for early termination of probation.

Section 4. Override. (1) If the officer has reason to believe that a probationer poses a significant risk to recidivate if the supervision is terminated early, the officer shall consult with the District Supervisor or designee and a decision may be made to issue an override.

(2) Override factors. Override factors for consideration may include the following:

(a) High risk on risk and needs assessment;

(b) Very high risk on risk and needs assessment;

(c) Convicted of violent offense;

(d) Prior violent offense conviction;

(e) Pending charge against probationer;

(f) Pending or current emergency protective order (EPO);

(g) Pending or current domestic violence order (DVO); or

(h) Other factors of similar magnitude.

(3) If a decision is made to issue an override, then a recommendation for early termination shall not be made to the court.

(4) An override shall be documented in the offender management system.

Section 5. Subsequent Review of Probationers Not Recommended for or Granted Early Termination of Probation. (1) If the probationer is not eligible for a recommendation for early termination from probation due to the failure to meet one or more requirements, with the exception of arrest, the officer shall review the probationer for a possible recommendation at the time that the probationer has a risk and needs reassessment pursuant to KRS 439.552 and 501 KAR 6:020, incorporating by reference CPP 12.1.

(2) If the probationer is recommended for early termination of probation, but the court does not grant the early termination, the officer shall review the probationer for a possible recommendation at the time that the probationer has a risk and needs reassessment pursuant to KRS 439.552 and 501 KAR 6:020, incorporating by reference CPP 12.1.

Section 6. Case Closure. If the court approves the recommendation for early termination of probation, the department shall discontinue supervision and close its probation case.

LADONNA H. THOMPSON, Commissioner

APPROVED BY AGENCY: December 11, 2011

FILED WITH LRC: April 13, 2012 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2012 at 9:00 a.m. at the Justice & Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing 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 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 un-

less 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 May 31, 2012. 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: Amy V. Barker, Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the procedures for recommendations of early termination of probation.

(b) The necessity of this administrative regulation: To conform to the requirements of KRS 196.035 and 439.552.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation addresses new legislative requirements of KRS 439.552 and establishes requirements for recommendations to the judicial authority for early termination of probation and overrides preventing recommendations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation sets the requirements for recommendations for early release from probation and overrides.

(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: This affects the 684 Kentucky Department of Corrections Division of Probation and Parole employees, an estimated 2000-5000 offenders (29,295 total probationers), and 120 releasing courts.

(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: Offenders will have to be eligible for early termination of supervision as outlined in this regulation. Probation officers will review offender progress for early termination eligibility and submit recommendations for early termination to the releasing authority or overrides to the supervisor. The court will review early termination recommendations and order whether a recommended offender will be granted early termination from supervision.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The Division of Probation and Parole may produce less revenue if courts terminate probation early. An estimated 2000-5000 offenders may be eligible for recommendation of early termination. If the courts grant early termination of probation for these estimated eligible offenders, there will be a reduction of supervision fee collection of \$240,000-\$600,000 annually.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Offenders will benefit from early termination of supervision. The opportunity for early release from supervision may motivate offenders to perform well on supervision. If released early, offenders will no longer have reporting responsibilities or supervision fee obligations. The Division of Probation & Parole will have a lower number of actively supervised offenders, allowing reallocation of staff resources to higher risk offenders.

(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 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: There is no anticipated increase in fees or funding to meet the legislative requirements of early termination.

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

(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.

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.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 196.035, 439.470, 439.552

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? This regulation will not generate any revenue for 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 regulation will not generate any revenue for state or local government.

(c) How much will it cost to administer this program for the first year? There is no cost to implement this administrative regulation. An estimated 2000-5000 offenders may be eligible for recommendation of early termination. If the courts grant early termination of probation for these estimated eligible offenders, there will be a reduction of supervision fee collection of \$240,000-\$600,000 annually.

(d) How much will it cost to administer this program for subsequent years? There is no cost to implement this administrative regulation. An estimated 2000-5000 offenders may be eligible for recommendation of early termination. If the courts grant early termination of probation for these estimated eligible offenders, there will be a reduction of supervision fee collection of \$240,000-\$600,000 annually.

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
(New Administrative Regulation)

501 KAR 6:280. Risk and needs assessment.

RELATES TO: KRS 196.035, 197.020, 439.265, 439.3101, 439.3104, 439.3105, 439.331, 439.348, 439.480, 446.010, 533.030
STATUTORY AUTHORITY: KRS 197.020, 439.3101, 439.3104, 439.331

NECESSITY, FUNCTION, AND CONFORMITY: KRS 197.020(1)(d), 439.3101(2)(a), 439.331(1), 439.3104(1) and (2) require the Department of Corrections to promulgate an administrative regulation for the administration of a validated risk and needs assessment to assess the criminal risk factors and correctional needs of all inmates and offenders upon commitment to the department. This administrative regulation establishes the validated risk and needs assessment requirements for assessing the criminal risk factors and correctional needs of inmates and offenders.

Section 1. Incorporation by Reference. (1) "Department of Corrections policies and procedures for risk and needs assessment," April 13, 2012, are incorporated by reference. These policies and procedures include:

- 12.1 Risk and Needs Assessment (4/13/12)
- 12.2 Case Planning (4/13/12)
- 12.3 Risk and Needs Assessment Administration, Training, and Quality Assurance (4/13/12)

(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.

LADONNA H. THOMPSON, Commissioner

APPROVED BY AGENCY: April 5, 2012

FILED WITH LRC: April 13, 2012 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2012 at 9:00 a.m. at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing 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 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 May 31, 2012. 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: Amy V. Barker, Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes policies and procedures relating to risk and needs assessment and case management of offenders.

(b) The necessity of this administrative regulation: To conform to the requirements of KRS 197.020(1)(d), 439.3101(2)(a), 439.331(1), 439.3104(1) and (2).

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation establishes policies and procedures that govern the risk and needs assessment and case planning of offenders to comply with the authorizing statutes and

HB 463.

(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 Department of Corrections employees and to offenders for risk and needs assessments and case planning.

(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: This regulation may affect approximately 1000 employees of the Department of Corrections, 15,000 inmates committed to the Department of Corrections, and 12,000 parolees and 29,000 probationers under community supervision of the Department of Corrections.

(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: Department of Corrections staff will follow the provisions of the regulation for risk and needs assessment and case planning of offenders. Offenders will be able to understand the way that risk and needs assessments will be handled by staff, and will gain a better understanding of their criminogenic needs. Utilization of the case plan will assist offenders in complying with their supervision and programming while incarcerated. The risk and needs assessment and corresponding case plan will assist employees to better evaluate and address the offenders' areas of risk, resulting in more effective utilization of staff time and department resources to most effectively attack offender's risk of recidivism.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost to administer the risk and needs assessment tool is \$3 per offender. The case management plan requires software updates, included in \$1.2 million allocated to update the Department of Corrections offender management system per HB 463 implementation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The Department of Corrections will allocate referral resources, interventions, and programming space according to nationally set best practices. Department employees will benefit from a more streamlined assessment and case management process, allowing staff to identify higher risk offenders and appropriate resources likewise, making more productive use of staff time and Department resources. Additionally, offenders will benefit from more effective assessment, case monitoring, and therefore reduced recidivism.

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

(a) Initially: Initial cost of training staff to conduct risk and needs assessment: \$10,000 paid by grant funding to train master trainers. In-house training for the case management plan includes 350 employees, with the only cost to the Department for employee travel and per diem.

(b) On a continuing basis: On-going costs for the risk and needs assessment includes the cost of training line staff. In 2011, the Department trained 119 new community supervision staff and 171 institutional staff to administer the assessment. Costs to the Department include housing costs, travel reimbursement and per diem. Additionally, there will be \$5,000 per year cost for training of master trainers, paid by grant funding. On-going costs also include the cost to administer the assessment to offenders. To date, the Department has completed approximately 25,000 assessments at

the cost of \$3 per assessment.

(6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation: Funding is a combination of federal grant funds and Department of Corrections general 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:

If assessment and case planning services are expanded to inmates housed in county jails, additional funding would be required.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administration does not establish or incorporate any fees.

(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.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Contact Person: Amy Barker

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 regulation impacts the Kentucky Department of Corrections.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 197.020(1)(d), 439.3101(2)(a), 439.331(1), 439.3104(1) and (2)

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? This regulation does 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 regulation does not generate revenue.

(c) How much will it cost to administer this program for the first year? Initial cost of training staff to conduct risk and needs assessment: \$10,000 paid by grant funding to train master trainers. In-house training for the case management plan includes 350 employees, with the only cost to the Department for employee travel and per diem. Approximately 40-50,000 offender assessments will be conducted, at a cost of \$3 per offender.

(d) How much will it cost to administer this program for subsequent years? Additional costs revolve around continued offender assessments and staff training. It is estimated that approximately 300 new staff members will require training annually. Approximately 50-60,000 offender assessments will be conducted per year subsequently, with the continued cost to administer the assessment at \$3 per offender annually. Additionally, there will be \$5,000 per year cost for training of master trainers, paid by grant funding.

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:

EDUCATION AND WORKFORCE DEVELOPMENT CABINET Kentucky Board of Education Department of Education (New Administrative Regulation)

703 KAR 5:225. School and district accountability, recognition, support, and consequences.

RELATES TO: KRS 158.645, 158.6451, 158.6453, 158.6455, 20 U.S.C. 7861

STATUTORY AUTHORITY: KRS 158.6453; 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced statewide assessment program that measures the achievement of students, schools, and districts, complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability. KRS 158.6455 requires the Kentucky Board of Education, following the revision of academic standards and development of a student assessment program, to create an accountability system to classify schools and districts, including a formula for accountability, goals for improvement, and rewards and consequences. This administrative regulation establishes the statewide system of accountability, recognition, support, and consequences, and meets requirements of the U.S. Department of Education to receive approval of a state-level waiver of specific requirements of the federal No Child Left Behind Act of 2001 pursuant to 20 U.S.C. 7861.

Section 1. Definitions. (1) "Annual measurable objective (AMO)" means the improvement goal for each school and district calculated from the Overall Score, student participation rate for the all students group and each subgroup, and graduation rate goal.

(2) "Comprehensive District Improvement Plan (CDIP)" means a plan developed by the local school district with the input of parents, faculty, staff, and representatives of school councils from each school in the district, based on a review of relevant data that includes targets, strategies, activities, and a time schedule to support student achievement and student growth, and to eliminate achievement gaps among groups of students.

(3) "Comprehensive School Improvement Plan (CSIP)" means a plan developed by the school council or successor pursuant to KRS 160.346 with the input of parents, faculty and staff, based on a review of relevant data that includes targets, strategies, activities, and a time schedule to support student achievement and student growth, and to eliminate achievement gaps among groups of students.

(4) "Districts of Distinction" mean Highest-Performing districts that score at the 95th percentile or higher on the Overall Score.

(5) "Focus Districts" mean districts that have a non duplicated student gap group score in the bottom ten (10) percent of non-duplicated student gap group scores for all districts and that have failed to meet the AMO for the last two (2) consecutive years.

(6) "Focus Schools" mean schools that have a non duplicated student gap group score in the bottom of non duplicated student gap groups scores for all elementary, middle, and high schools that have failed to meet the AMO for the last two (2) consecutive years; schools with an individual student performance group within assessment grades by level with a score in the third (3rd) standard deviation below the state average for all students; or high schools that have a graduation rate that has been less than sixty (60) percent for two (2) consecutive years.

(7) "Graduation rate goal" means the annual graduation rate goal set by the Department for each high school and district that measures progression toward the statewide goal of ninety-eight (98) percent by 2022 and is computed by dividing, by eleven (11), the difference between the 2011 baseline percent and ninety-eight (98) percent.

(8) "High-Progress Districts" mean districts that have an improvement score indicating the districts are in the top ten (10) percent of improvement of all districts as determined by the difference in the two (2) most recent calculations of the Overall Score.

(9) "High-Progress Schools" mean Title I schools that have an improvement score indicating the schools are in the top ten (10) percent of improvement of all Title I elementary, middle, or high

schools as determined by the difference in the two (2) most recent calculations of the Overall Score and non-Title I schools that have an improvement score indicating the schools are in the top ten (10) percent of improvement of all non-Title I elementary, middle, or high schools as determined by the difference in the two (2) most recent calculations of the Overall Score.

(10) "Highest-Performing Districts" mean districts that score at the 90th percentile or higher on the Overall Score except that districts shall not qualify as highest-performing if any schools in the district are categorized as Focus Schools or Priority Schools.

(11) "Highest-Performing Schools" mean elementary, middle, or high school levels that score at the 90th percentile or higher on the Overall Score.

(12) "Mean" means the sum of the values divided by the number of values.

(13) "Next-Generation Instructional Programs and Supports" is defined by 703 KAR 5:200.

(14) "Next-Generation Learners" is defined by 703 KAR 5:200.

(15) "Next-Generation Professionals" is defined by 703 KAR 5:200.

(16) "Next-Generation Schools and Districts" is defined by 703 KAR 5:200.

(17) "Non duplicated student gap group score" means an aggregate, non duplicated count of achievement scores of student groups that include African/American, Hispanic, American Indian, Limited English proficiency, students in poverty based on qualification for free and reduced price lunch, and students with disabilities who have an Individualized Education Program (IEP).

(18) "Overall Score" means the score resulting from a compilation of accountability components listed in Section 2 of this administrative regulation that determines placement of a school or district in a classification for recognition, support, or consequences.

(19) "Participation rate" means the percent of students in the school or district that participate in annual statewide assessments and the percent of all groups of students in the school or district that participate in annual statewide assessments, with a goal of ninety-five (95) percent or higher for the total population and for all groups of students.

(20) "Percentile" means the value of a variable below which a certain percent of numbers fall.

(21) "Priority Districts" mean districts that have an Overall Score in the bottom five (5) percent of Overall Scores for all districts that have failed to meet the AMO for the last three (3) consecutive years.

(22) "Priority Schools" mean schools that have been identified as a "Persistently low-achieving" (PLA) school as defined by KRS 160.346.

(23) "Progressing" means a designation attached to a school or district's classification as proficient, distinguished, or needs improvement to indicate that the school has met its AMO student participation rate for the all students group and each subgroup, and graduation rate goal.

(24) "School level" means the standard configuration of grade levels that form elementary, middle, and high schools as defined in 703 KAR 5:240.

(25) "Schools of Distinction" mean Highest-Performing elementary, middle, or high schools that score at the 95th percentile or higher on the Overall Score.

(26) "Standard deviation" means a measure of the dispersion of a set of data from its average.

Section 2. Statewide System of Accountability, Recognition, Support, and Consequences. (1) The accountability system shall be called Unbridled Learning: College and Career Ready for All.

(2) An Overall Score shall be used to classify schools and districts for recognition, support, and consequences. The Overall Score shall be a compilation of the following accountability components:

(a) Next-Generation Learners, as established in 703 KAR 5:200;

(b) Next-Generation Instructional Programs and Support, as established in 703 KAR 5:230; and

(c) Next-Generation Professionals, following the promulgation of an administrative regulation by the Kentucky Board of Education

to establish the requirements for Next-Generation Professionals.

Section 3. Weighting of Components Comprising the Overall Score. (1) The timeline and weighting of each component as a percentage of the Overall Score shall occur as follows:

Year	Component	Percentage of Overall Score
2011-2012	Next-Generation Learners	100 percent
2012-2013	Next-Generation Learners	Seventy-seven (77) percent
	Next-Generation Instructional Programs and Support	Twenty-three (23) percent
2014-2015	Next-Generation Learners	Seventy (70) percent
	Next-Generation Instruction Programs and Support	Twenty (20) percent
	Next-Generation Professionals	Ten (10) percent

(2) If data cannot be calculated for any component, the weights shall be distributed equally to components that shall be reported for the school or district.

Section 4. Classifications, Annual Measurable Objectives, and Goals. (1) School levels and districts shall be classified based on the Overall Score in the following manner:

(a) By level of elementary, middle, and high, a distribution of scores from the Overall Score shall be computed in order to determine the percentiles associated with each Overall Score;

(b) The Overall Score associated with specific percentiles shall classify school levels and districts as follows:

Percentile based on Overall Score	School and District Classification
At or above 90	Distinguished
At or above 70	Proficient
Below 70	Needs Improvement

(c) Upon inclusion of all three (3) components to the Overall Score, the mean, standard deviation, and the AMO shall remain constant for a period of five (5) years before the process shall be repeated. Prior to the inclusion of all three (3) components, the mean, standard deviation, and the AMO shall be calculated when a new component is added.

(2) School levels and districts shall receive an AMO. The method for determining the AMO shall be as follows:

(a) Using the Overall Score, a mean and standard deviation shall be computed for the elementary, middle, and high school levels; and

(b) The mean and standard deviation shall be recalculated as the components of the accountability system are added and shall follow the timeline described in Section 3 of this administrative regulation.

(3) The AMO goal for school levels and districts classified as Needs Improvement shall be to increase the Overall Score by seven-tenths (.07) of a standard deviation annually, and the AMO goal for school levels and districts classified as Proficient or Distinguished shall be to increase the Overall Score by .035 of a standard deviation annually.

(4) Each school level or district classified as Distinguished, Proficient, or Needs Improvement that meets its AMO goal, student participation rate, and graduation rate goal shall be further classified as Progressing.

(5) For school levels with a changed school service area as defined in 703 KAR 5:240, the AMO shall be recalculated based on current students. A school or district may submit a plan to recalculate the AMO as follows:

(a) A school or a district may request that individual students be tracked across schools or that the district AMO be used for the

school;

(b) The department shall approve the plan and shall assure accurate calculations and the inclusion of all students;

(c) Upon approval, the plan shall be implemented and remain in effect until an additional change in school service area occurs;

(d) The granting of a request for a different method to recalculate an AMO shall include a requirement that each affected school and district waive in writing its right to make the request the basis of a subsequent appeal of a school's classification; and

(e) The intent to submit a plan to recalculate the AMO shall be received by the Department by June 30 of the year prior to which the AMO recalculation shall occur.

(6) Focus Schools identified using the non-duplicated student gap group score method shall be determined in the following manner:

(a) The number of Focus Schools shall be ten (10) percent of the total number of schools by level;

(b) The total number of Focus Schools shall be comprised of Title I schools and non-Title I schools, and shall include at least ten (10) percent of all Title I schools;

(c) After determining the Title I schools on the list, the remaining number of slots on the list shall be filled by non-Title I schools until the number of both Title I and non-Title I schools equals the total number of schools specified in paragraph (a) of this subsection; and

(d) Non-duplicated student gap groups by school shall have at least ten (10) students in order for the calculation to occur.

(7) Focus Schools identified using the third (3rd) standard deviation method shall be determined in the following manner:

(a) By level of elementary, middle, and high, the state average of proficient and distinguished students in each subject area of reading, mathematics, science, social studies, and writing shall be computed, and a standard deviation by subject area for all students shall be computed;

(b) Subgroups shall number at least twenty-five (25) students in order for the calculation to occur; and

(c) An individual subgroup by level and subject falling below the third (3rd) standard deviation cut score shall cause the school to be identified as a Focus School.

Section 5. Recognition. (1) Recognition categories shall include Schools or Districts of Distinction, Highest-Performing Schools or Districts, and High-Progress Schools or Districts. Schools and districts in these categories shall receive notification from the Commissioner of Education within five (5) days of release of the annual accountability data, identifying the category of recognition and the rewards for which they are eligible.

(2) Each recognized school or district shall be authorized to use a department-approved Web logo and other promotional materials as may be designated by the Department reflecting the category of recognition earned. Subject to availability of funds, financial rewards may be used in conjunction with other recognition activities, and may include funding for special professional growth opportunities or support to enable recognized schools or districts to partner with and mentor a lower-performing school or district. Highest-Performing and High-Progress Schools and Districts shall receive special recognition as determined by the Commissioner of Education.

(3) Schools and districts identified for recognition shall continue to meet eligibility criteria in order to retain their designation and receive recognition for that category.

(4) Schools and districts identified as Priority Schools or Districts or Focus Schools or Districts shall not be eligible for recognition as Highest-Performing Schools or Districts or Schools or Districts of Distinction, but may receive recognition as High-Progress Schools or Districts, if they meet the definitions set forth in Section 1 of this administrative regulation and the requirements of this section.

(5) Beginning in 2012-2013, schools and districts shall meet the AMO goals and each high school's graduation rate shall be above sixty (60) percent in order to qualify for recognition.

Section 6. Supports and Consequences. (1) Supports and consequences categories shall include Priority Schools and Dis-

tricts and Focus Schools and Districts.

(2) Priority Schools and Districts shall undergo the education recovery processes outlined by KRS 160.346 and 703 KAR 5:180, in addition to the requirements and consequences outlined in this administrative regulation.

(3) Focus Schools and Districts shall be required to revise their CSIPs or CDIPs consistent with the requirements of this section and Section 9 of this administrative regulation.

(4) A school or district that is identified as a Priority or Focus School or District shall receive notification from the Commissioner of Education within five (5) days of release of the annual accountability data, identifying its category and the required supports and consequences that shall apply.

(5) A school or district that is identified as a Priority or Focus School or District for the first time shall revise the CSIP or CDIP within ninety (90) days of receiving the notice from the Commissioner of Education.

(6) A school that is identified in one (1) of these categories shall revise and submit its plan for collaboration and approval by the superintendent of the district within ninety (90) days of receiving notice from the Commissioner of Education.

Section 7. Continuing Consequences for Schools and Districts that Remain in Priority and Focus Status for More Than One (1) Year. (1) A school or district that is identified as a Priority School or District for two or more consecutive times, or a school or district that remains in the Focus School or District category and does not meet the AMO for three (3) consecutive compilations of the Overall Score, shall revise the CSIP, or CDIP, as specified in Section 9 of this administrative regulation for submission to the Department for approval within ninety (90) days of receiving notice from the Commissioner of Education. The CSIP shall be submitted for collaboration with and approval by the superintendent of the district prior to submission to the department. Upon approval by the Department, the plan shall be posted to the school or district Website.

(2) In addition to the requirements of this section, Priority Schools or Districts that are identified for three (3) or more consecutive times, or Focus Schools or Districts that do not meet the AMO for four (4) or more consecutive compilations of the Overall Score shall engage in the following actions:

(a) Participate in a set of improvement strategies outlined by an accreditation process;

(b) If directed by the department, receive the assignment of a high-achieving partner district of similar demographics for mentor activities as directed by the department; and

(c) Accept ongoing assistance and resources throughout the year as assigned or approved by the department.

Section 8. Monitoring. (1) The department shall review and approve all submissions required by this regulation.

(2) The department shall monitor implementation of CDIPs and CSIPs and shall provide guidance based upon information gathered from the following:

(a) Progress reports from the school through the district;

(b) Data reviews;

(c) On-site observation; and

(d) Other information supplied at the option of the district or school.

(3) In addition to the activities undertaken by the department, school districts shall monitor compliance of individual schools within the district.

Section 9. Comprehensive School and District Improvement Plan Process. (1) All schools and districts shall annually develop, review, and revise a comprehensive school or district improvement plan.

(2) The structure of school and district comprehensive improvement plans shall include:

(a) Executive summary that shall include a vision and a mission;

(b) Needs assessment that shall include:

1. A description of the data reviewed and the process used to develop the needs assessment;

2. A review of the previous plan and its implementation to in-

form development of the new plan; and

3. Perception data gathered from the administration of a valid and reliable measure of teaching and learning conditions;

(c) Process for development that shall include:

1. Analysis of data to determine causes and contributing factors;

2. Prioritization of needs; and

3. Development of goals, objectives, strategies, and activities based on the needs assessment and root cause analysis, that shall include targets or measures of success, timelines, persons responsible, a budget that includes resources needed and source of funding, and a process for meaningful stakeholder communications and input;

(d) A set of assurances, approved by and on file with the local board of education, with a signed declaration by the superintendent that all schools in the district are in compliance with the requirements of the statutes and regulations included in those assurances; and

(e) A process for annual review and revision by the school or district.

(3) Continuous improvement and capacity building shall drive the development of the plan.

(4) Other required components in the process shall include:

(a) A standards-based process for measuring organizational effectiveness that shall include purpose and direction, governance and leadership, teaching and assessing for learning, resources and support systems, and using results for continuous improvement;

(b) A data driven self-evaluation based on the standards, including a means to gather meaningful stakeholder input;

(c) A written improvement plan based on the issues identified in the self-evaluation;

(d) A set of assurances that includes a determination of compliance with each assurance and the ability to upload any supporting documentation needed;

(e) Electronic submission of all elements of the plan;

(f) Monitoring implementation of the plan through implementation and impact checks; and

(g) Evaluation of the effectiveness based on the strategies and activities in the plan.

(5) CSIPs shall also include the elements required of schools by KRS 156.649(5).

(6) CSIPs and CDIPs for Priority and Focus Schools and Districts shall also address the following:

(a) Curriculum alignment for schools within the district and within individual school(s), ensuring the instructional program is research-based, is rigorous, is aligned with the Kentucky Core Academic Standards as described in 704 KAR 3:303, and is based on student needs, if a Priority District, Priority School, Focus District, or Focus School;

(b) Provision of time for collaboration on the use of data to inform evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work, if a Priority or Focus School;

(c) Activities to target the underperforming areas of achievement, gap, growth, college and career readiness, or graduation rate, if a Priority District, Priority School, Focus District, or Focus School;

(d) Activities to target demonstrators of weakness in program reviews, if a Priority District, Priority School, Focus District, or Focus School;

(e) Activities to target areas of need identified in teacher and leader effectiveness measures, if a Priority District, Priority School, Focus District, or Focus School;

(f) School safety, discipline strategies, and other nonacademic factors that impact student achievement, such as students' social, emotional, and health needs, if a Priority or Focus School;

(g) Design of the school day, week, or year to include additional time for student learning and teacher collaboration, if a Priority or Focus School;

(h) Specific strategies to address gaps in achievement and graduation rates between the highest-achieving student performance group and the lowest-achieving student performance group, if a Focus School or District; and

(i) Short-term, monthly plans for the first ninety (90) days of

implementation, and the establishment of teacher turnaround teams with intensive year-round training focused on teacher effectiveness and school improvement in the professional development component of its plan, if a Priority School.

(7) Priority and Focus Districts shall use a variety of relevant sources that shall include perception data gathered from the administration of a valid and reliable measure of teaching and learning conditions to inform the needs assessment required by the CDIP. Districts containing Priority and Focus Schools shall assist those schools in using these data to inform the needs assessment required by the CSIP.

(8) The Commissioner's Raising Achievement and Closing Gaps Council and the Commissioner's Parents Advisory Council shall provide guidance to Focus Schools and Districts as they conduct their needs assessments and revise their CSIPs and CDIPs.

(9) Priority Schools shall document meaningful family and community involvement in selecting the intervention strategies that shall be included in the revised CSIP.

(10) The CDIPs for districts with Priority and Focus Schools shall include the support to be provided to Priority and Focus Schools by the district. The Priority and Focus Schools' CSIPs shall include the support that will be provided by the district to the schools.

(11) The CDIP for both Priority and Focus Districts shall be posted to the district website and upon collaboration with and approval by the superintendent of the district, the CSIPs for both Priority and Focus Schools shall be posted to the appropriate school website.

Section 10. Exit Criteria for Priority and Focus Schools and Districts. (1) In order to exit Priority School or District status, a school or district shall meet the AMO goals for three (3) consecutive years, shall no longer be identified by the applicable percent calculation, and shall score at or above a seventy (70) percent graduation rate for three (3) consecutive years.

(2) In order to exit Focus School or District status, a school or district shall meet the AMO goal for two (2) consecutive years, shall no longer be identified by the applicable percent calculation, and the subgroup causing the identification shall show improvement. If a school's identification is due to graduation rate, in order to exit, the school shall have a graduation rate higher than seventy (70) percent and meet the AMO goals for two (2) consecutive years.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(4).

TERRY HOLLIDAY, PH.D., Commissioner

DAVID KAREM, Chairperson

APPROVED BY AGENCY: April 12, 2012

FILED WITH LRC: April 12, 2012 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on May 25, 2012 at 10:00 a.m. in the State Board Room, 1st Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting 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 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 May 31, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Kevin C. Brown, General Counsel, Kentucky Department of Education, First Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, phone (502) 564-4474, fax (502) 564-9321 or email at kevin.brown@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation creates an accountability system to classify schools and districts for recognition, support, and consequences as required by KRS 158.6455.

(b) The necessity of this administrative regulation: KRS 158.6455 requires the Kentucky Board of Education to promulgate regulations to identify successful schools and establish appropriate consequences for schools failing to meet their accountability measures.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation establishes the elements of the above-referenced systems that the Kentucky Board of Education was statutorily directed to provide.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides specific standards and procedures to be used to identify schools and districts for recognition, supports, and consequences and outlines the activities schools and districts will undertake as a result of their identification in a specific category.

(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 an amendment.

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

(c) How the amendment conforms to the content of the authorizing statute: Not an amendment.

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public schools and school districts 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: The proposed regulation will identify all schools and districts in an accountability classification and will direct specific school improvement activities to be undertaken as a result of their identification.

(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: Upon identification in a specific accountability classification, lower-performing schools and districts will be required to implement school improvement activities. Upon identification in a specific accountability classification, lower-performing schools will be required to implement school improvement activities, such as: conducting needs assessments; increasing community and parent involvement; establishing short and long term planning processes; identifying activities to target identified areas of underperformance; creating teacher assistance teams to provide intensive, year-round training for teachers; and assuring the completion of activities targeted to address needs identified through the planning process.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Costs to schools and districts will vary widely based on the category of identification and the activities included in their improvement plans. Higher-performing schools and districts may have very little or no cost. Lower-performing schools and districts may have costs associated with activities needed to improve student achievement. Schools and districts that remain low-performing over time may have additional costs due to the additional requirements placed upon them by regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Schools and districts will be aware of their assessment results and the classification of the school and district based on those results. Schools and districts will assess their weaknesses and address needed changes in the instructional programs and supports being provided to their schools. The schools and districts will have the opportunity to ac-

cess additional supports designed to improve the quality of their instructional program.

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

(a) Initially: The proposed regulation results in additional staff costs to the Kentucky Department of Education to calculate the Overall Score and place schools and districts in categories; to provide promotional materials; and to review, monitor, and provide assistance to identified lower-performing schools and districts. Additional financial expenditures that may be needed for implementation are not known at this time.

(b) On a continuing basis: The proposed regulation results in additional staff costs to the Kentucky Department of Education to calculate the Overall Score and place schools and districts in categories; to provide promotional materials; and to review, monitor, and provide assistance to identified lower-performing schools and districts. Additional financial expenditures that may be needed for implementation are not known at this time.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Department general funds and local district funds as may be required.

(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 new fees are required by this administrative regulation. Additional funding for full implementation of all Senate Bill 1 (2009) requirements has been requested by the Department. The provisions of this administrative regulation may be implemented without additional funds at this time.

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

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and school districts.

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? Schools and school districts.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 158.6453, 158.6455, 20 U.S.C. secs. 6301, et seq., U.S. Department of Education No Child Left Behind Act of 2001 approved waiver issued pursuant to 20 U.S.C. 7861.

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. There will be no additional revenue generated by this administrative regulation. The amount of dollars expended by the Department and by local school districts depends on the numbers of schools and districts classified in an accountability category that require supports and consequences.

(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? None.

(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? None.

(c) How much will it cost to administer this program for the first year? The proposed regulation results in additional staff costs to the Department of Education to calculate the Overall Score and place schools and districts in categories; to provide promotional materials; and to review, monitor, and provide assistance to identified lower-performing schools and districts. Additional financial expenditures that may be needed for implementation are not known at this time.

(d) How much will it cost to administer this program for subsequent years?

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. The proposed regulation results in additional staff costs to the Department of Education to calculate the Overall Score and place schools and districts in categories; to provide promotional materials; and to review, monitor, and provide assistance to identified lower-performing schools and districts. Additional financial expenditures that may be needed for implementation are not known at this time.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of APRIL 11, 2012

Call to Order and Roll Call

The April meeting of the Administrative Regulation Review Subcommittee was held on Wednesday, April 11, 2012, at 1:00 p.m., in Room 149 of the Capitol Annex. Senator Joe Bowen, Co-Chair, called the meeting to order, the roll call was taken. The minutes of the March 2012 meeting were approved.

Present were:

Members: Senators Joe Bowen, Alice Forgy Kerr, and Joey Pendleton, and Representatives Danny Ford, and Jimmie Lee.

LRC Staff: Dave Nicholas, Donna Little, Sarah Amburgey, Emily Harkenrider, Karen Howard, Betsy Cupp, and Laura Napier.

Guests: Devon Hankins, Janine Shackelford, David Gordon, Department of Revenue; Richard Carroll, Board of Accountancy; Patricia G. Farris, Denise Payne Wade, Kentucky Real Estate Commission; Anne Olson, Michael West Board of Speech-Language Pathology and Audiology; Jonathan Buckley, David Cox, State Board of Licensure for Professional Engineers and Land Surveyors; Becky Klusch, Board of Physical Therapy; Jim Grawe, Margaret Hazelett, Board of Social Work; Timothy Owens, Michael West, Board of Interpreters for the Deaf and Hard of Hearing; Cheryl Turner, Michael West; Board for Massage Therapy; Mark Brengelman, Sienna Newman, Board of Prosthetics, Orthotics, and Pedorthics; David W. Hise, Mark Mangeot, Karen Waldrop, Department of Fish and Wildlife; DJ Wasson, Department of Insurance; Anetria Connell, Shaun T. Orne Department of Financial Institutions; Richard Bartlett, and Charles Kendell; Department for Public Health.

The Administrative Regulation Review Subcommittee met on Wednesday, April 11, 2012, and submits this report:

Administrative Regulations Reviewed by the Subcommittee:

FINANCE AND ADMINISTRATION CABINET: Department of Revenue: Forms

103 KAR 3:010. General Administrative Forms Manual. Janine Shackelford, branch manager, and David Gordon, executive director, Property Tax, represented the department.

In response to a question by Co-Chair Bowen, Ms. Shackelford stated that these administrative regulations simplified forms and made them more user friendly.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 and 2 to: (1) comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) make conforming amendments to correct inconsistencies between the currently effective administrative regulation and the filed proposed administrative regulation. Without objection, and with agreement of the agency, the amendments were approved.

103 KAR 3:030. Property and Severance Forms Manual.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 and 3 to: (1) comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) make conforming amendments to correct inconsistencies between the currently effective administrative regulation and the filed proposed administrative regulation. Without objection, and with agreement of the agency, the amendments were approved.

GENERAL GOVERNMENT CABINET: Board of Accountancy: Board

201 KAR 1:081. Initial firm license, renewal, and reinstatement. Richard Carroll, executive director, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to make a conforming amendment to correct an inconsistency between the currently effective administrative regulation and the filed proposed administrative regulation; and (2) to amend Sections 1, 3, 5, 7, 8 through 11, and 13 to comply with the drafting and formatting requirements of KRS Chapter

13A. Without objection, and with agreement of the agency, the amendments were approved.

Kentucky Real Estate Commission: Commission

201 KAR 11:225 & E. License renewal, annual requirements and change request procedures. Denise Payne Wade, acting general counsel, represented the commission.

In response to a question by Representative Lee, Ms. Wade stated that it was imperative that the commission file this administrative regulation on an emergency basis because the renewal deadline date would otherwise not be in effect when the deadline arrived.

A motion was made and seconded to approve the following amendments: (1) to amend the TITLE to make a technical correction; (2) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct statutory citations; (3) to amend Sections 2 and 4 to clarify provisions; and (4) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2, 3, 4, and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Board of Speech-Language Pathology and Audiology: Board

201 KAR 17:011. Requirements for interim licensure as a speech language pathologist. Anne Olson, chair, and Michael West, assistant attorney general, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 2 to correct the edition date of the form incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 17:012. Requirements for licensure.

A motion was made and seconded to approve the following amendment: to amend Section 2 to correct the edition date of the form incorporated by reference. Without objection, and with agreement of the agency, the amendment was approved.

201 KAR 17:032. Requirements for interim licensure as an audiologist.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 2 to correct the edition date of the form incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 17:034. Requirements for licensure as a Speech-Language Pathology Assistant.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to correct a statutory citation; (2) to amend Section 2 to comply with the formatting requirements of KRS Chapter 13A; and (3) to amend Section 4 to correct the edition date of the form incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 17:036. Requirements for licensure for an Audiologist.

A motion was made and seconded to approve the following amendment: to amend Section 2 to correct the edition date of the form incorporated by reference. Without objection, and with agreement of the agency, the amendment was approved.

Board of Licensure for Professional Engineers and Land Surveyors: Board

201 KAR 18:040. Fees. Jonathan Buckley, general counsel,

and David Cox, executive director, represented the board.

In response to a question by Senator Pendleton, Mr. Cox stated that this administrative regulation did not raise fees. It eliminated an examination that was no longer administered.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; (2) to amend Sections 1 through 5 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (3) to delete Section 6, Material Incorporated by Reference, because the material is cross referenced in a forms administrative regulation. Without objection, and with agreement of the agency, the amendments were approved.

Board of Physical Therapy: Board

201 KAR 22:045. Continued competency requirements and procedures. Mark Brengelman, assistant attorney general, and Becky Klusch, executive director, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to add a statutory citation; (2) to amend Sections 1 and 2 to comply with the drafting and formatting requirements of KRS Chapter 13A; (3) to amend Section 2 to make conforming amendments to correct inconsistencies between the currently effective administrative regulation and the proposed administrative regulation filed by the agency; and (4) to amend Section 3 to revise a form incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

Board of Social Work: Board

201 KAR 23:130. Definition of non-profit field service office. Jim Grawe, assistant attorney general, and Margaret Hazlette, executive director, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (3) to amend the TITLE and Sections 1 and 2 of this administrative regulation to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Board of Interpreters for the Deaf and Hard of Hearing: Board

201 KAR 39:001. Definitions. Timothy Owens, chair, and Michael West, assistant attorney general, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend the TITLE and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 39:030. Application; qualifications for licensure; and certification levels.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 and 2 to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to amend Section 3 to make a conforming amendment to correct an inconsistency between the currently effective administrative regulation and the filed proposed administrative regulation; and (3) to amend Section 1 to change one (1) of the proof of certification requirements to relate to those applying on or prior to July 1, 2013, instead of July 1, 2014. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 39:040. Fees.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to add a statutory citation; (2) to amend the NECESSITY, FUNCTION, AND

CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (3) to amend Sections 1, 2, and 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 39:050. Renewal of licenses, extension of temporary licenses and reinstatement.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; (2) to amend Sections 2 through 5 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (3) to amend Sections 3 and 4 to make conforming amendments to correct inconsistencies between the currently effective administrative regulation and the filed proposed administrative regulation. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 39:060. Reinstatement of license subject to disciplinary action.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct statutory citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (3) to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 39:070. Application and qualifications for temporary licensure.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, and 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 39:080. Reciprocity.

A motion was made and seconded to approve the following amendment: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.

201 KAR 39:090. Continuing education requirements.

201 KAR 39:100. Complaint procedure.

A motion was made and seconded to approve the following amendment: to amend Section 1 to correct a minor drafting error. Without objection, and with agreement of the agency, the amendment was approved.

201 KAR 39:120. Code of ethics.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 2 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Board of Licensure for Massage Therapy: Board

201 KAR 42:040. Renewal. Cheryl Turner, chair, and Michael West, assistant attorney general, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to add a statutory citation; and (2) to amend the STATUTORY AUTHORITY paragraph and Sections 1, 4, and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Kentucky Board of Prosthetics, Orthotics, and Pedorthics: Board

201 KAR 44:060. Continuing education requirements and procedures. Mark Brengelman, assistant attorney general, and Sienna Newman, chair, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to correct statutory citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A; (3) to amend Section 2 to make a conforming amendment to correct an inconsistency between the currently effective administrative regulation and the proposed administrative regulation filed by the agency; and (4) to revise the REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT and the FISCAL NOTE ON STATE OR LOCAL GOVERNMENT to make corrections. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 44:070. Complaint process and disciplinary action procedure.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct statutory citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; (3) to amend the TITLE and Sections 1 through 7 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (4) to revise the REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT and the FISCAL NOTE ON STATE OR LOCAL GOVERNMENT. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 44:080. Renewals.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct statutory citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; (3) to amend Sections 1 through 5 to comply with the drafting and formatting requirements of KRS Chapter 13A; (4) to amend Section 5 to revise material incorporated by reference; and (6) to revise the FISCAL NOTE ON STATE OR LOCAL GOVERNMENT and the SUMMARY OF MATERIAL INCORPORATED BY REFERENCE to make corrections. Without objection, and with agreement of the agency, the amendments were approved.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Fish

301 KAR 1:058. Methods for taking turtles. David W. Hise, counsel; Mark Mangeot, legislative liaison; and Karen Waldrop, director, Wildlife Division, represented the department.

In response to questions by Senator Pendleton, Ms. Waldrop stated that this administrative regulation established requirements for taking snapping and softshell turtles. There were morphological differences between snapping and softshell turtles.

A motion was made and seconded to approve the following amendments: to amend Section 1 to: (1) add "smooth softshell turtle" and "spiny softshell turtle" to the types of turtles that may be taken; and (2) comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

PUBLIC PROTECTION CABINET: Department of Insurance: Consumer Protection Division: Administration

806 KAR 2:095. Accounting and reporting requirements for collecting local government premium tax. D. J. Wasson, staff assistant, represented the division.

In response to a question by Co-Chair Bowen, Ms. Wasson stated that each insurance company already filed an annual reconciliation, even if a local government premium tax was not due. This administrative regulation clarified existing procedures.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraph to delete a statutory citation; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (3) to amend Sections 1 through 3 to: (a) comply with the drafting and formatting requirements of KRS Chapter 13A; and (b) make conforming amendments to correct inconsistencies between the currently effective administrative regulation and the filed proposed administrative regulation. Without objection, and with agreement of the agency, the amendments were approved.

Department of Financial Institutions: Securities Division: Securities

808 KAR 10:400. Examination fees and criteria. Anetria Connell, attorney, and Shaun T. Orne, assistant general counsel, represented the division.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and the NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 and 2 to make conforming amendments to correct inconsistencies between the currently effective administrative regulation and the proposed administrative regulation as filed by the agency. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Division of Epidemiology and Health Planning: Trauma System

902 KAR 28:010. Definitions for 902 KAR Chapter 28. Richard Bartlett, emergency preparedness specialist, and Charles Kendell, chief of staff, represented the division.

In response to a question by Co-Chair Bowen, Mr. Kendell stated that these administrative regulations did not relate to the Certificate of Need process. This was a voluntary program for hospitals that wanted to be designated as trauma centers.

Representative Lee stated that a trauma center designation would increase the reimbursement rates for indigent care to 100 percent of the costs of that care.

A motion was made and seconded to approve the following amendments: to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

902 KAR 28:020. Kentucky Trauma System Designation Process.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 and 6 to: (a) specify that the criteria for a facility seeking designation as a Level I, II, or III trauma center is established by the American College of Surgeons Verification Review Committee; (b) specify the application forms that shall be completed by a facility seeking designation; and (c) incorporate those items by reference; and (2) to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and Sections 1 through 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

902 KAR 28:030. Kentucky's Trauma System Level IV Criteria.

A motion was made and seconded to approve the following amendments: to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and Sections 1 through 6, and the material incorporated by reference to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

902 KAR 28:040. Kentucky's Trauma System Registry.

A motion was made and seconded to approve the following amendments: (1) to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and Sections 1 and 2 to

comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to create a new Section 3 to incorporate by reference the national trauma data standards established by the National Trauma Data Bank. Without objection, and with agreement of the agency, the amendments were approved.

902 KAR 28:050. Kentucky's Trauma System Appeals Process.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to specify: (a) when an appeal may be filed; and (b) that each appeal shall be conducted in accordance with KRS Chapter 13B; and (2) to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

902 KAR 28:060. Kentucky Trauma System fees.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraph to correct a citation; and (2) to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

The following administrative regulations were deferred to the May 8, 2012, meeting of the Subcommittee:

**KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY:
Division of Student and Administrative Services: Authority**

11 KAR 4:080. Student aid applications.

KHEAA Grant Programs

11 KAR 5:145. CAP grant award determinations procedure.

PERSONNEL CABINET: Personnel Cabinet, Classified

101 KAR 2:102. Classified leave administrative regulations.

101 KAR 2:140. Workers' Compensation Fund and Program.

Personnel Cabinet, Unclassified

101 KAR 3:015. Leave administrative regulations for the unclassified service.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Game

301 KAR 2:251. Hunting and trapping seasons and limits for furbearers. David W. Hise, counsel; Mark Mangeot, legislative liaison; and Karen Waldrop, director, Wildlife Division, represented the department.

In response to a question by Senator Pendleton, Dr. Waldrop stated that this administrative regulation lengthened the raccoon season, increased the bag limit for river otter, and extended the bobcat winter season by shifting the total season.

Subcommittee staff stated that the raccoon season remained a contentious issue and that the department considered deferral.

Mr. Mangeot stated that the raccoon season was the primary item of concern, but a deferral that delayed the effective date of this administrative regulation would negatively impact provisions pertaining to all three (3) furbearing species in this administrative regulation.

In response to a question by Co-Chair Bowen, Dr. Waldrop stated that deferral of this administrative regulation, with the purpose of further amendment, would delay the process because changes to this administrative regulation needed to go before all stakeholders for consideration. The delay would affect the bag limit increase for river otter and the bobcat season changes, as well as the raccoon season, to the detriment of sportsmen. The department preferred to allow this administrative regulation to continue through the amendment process and would consider revision of the raccoon season in a future amendment. The department would defer if necessary, but preferred not to defer.

Senator Pendleton stated that he preferred not to delay this

administrative regulation regarding the raccoon issue because it would affect the bobcat season. Bobcats caused significant property damage, and the change to the season was very important for bobcat control.

In response to a statement by Representative Ford, Senator Pendleton stated that he was unaware that a commitment to defer consideration of this administrative regulation had been made. He emphasized that it was important that the Subcommittee and the agency honor a prior commitment, but it would be unfortunate if this administrative regulation was deferred again from the upcoming May agenda.

In response to a question by Representative Lee, Dr. Waldrop stated that the bag limit for bobcats was five (5) because this was a federally regulated species. Each bobcat taken was required to be tagged. Species verification was required before taking a bobcat, and a special cities tag was required to sell the fur.

Co-Chair Bowen asked the department to defer consideration of this administrative regulation to the May meeting of the Subcommittee. Dr. Waldrop agreed to deferral.

JUSTICE AND PUBLIC SAFETY CABINET: Kentucky Law Enforcement Council: General Training Provision

503 KAR 3:070. Telecommunications (Public Safety Dispatch Non-CJIS) Academy.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Motor Carriers: Division

601 KAR 1:018. Special overweight or overdimensional motor vehicle load permits.

601 KAR 1:019. Overweight or overdimensional farm equipment.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Board of Education: Department of Education: Kindergartens and Nursery Schools

704 KAR 5:070. Common Kindergarten entry screener.

The Subcommittee adjourned at 1:55 p.m. until May 8, 2012.

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.

NONE

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates

K - 2

The Locator Index lists all administrative regulations published in VOLUME 38 of the Administrative Register from July 2011 through June 2012. 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 37 are those administrative regulations that were originally published in VOLUME 37 (last year's) issues of the Administrative Register but had not yet gone into effect when the 2011 bound Volumes were published.

KRS Index

K - 15

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 38 of the Administrative Register.

Technical Amendment Index

K - 26

The Technical Amendment Index is a list of administrative regulations which have had technical, nonsubstantive amendments entered since being published in the 2011 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

K - 27

The Subject Index is a general index of administrative regulations published in VOLUME 38 of the Administrative Register, and is mainly broken down by agency.

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	37 Ky.R. Page No.	Effective Date	Regulation Number	37 Ky.R. Page No.	Effective Date
VOLUME 37					
The administrative regulations listed under VOLUME 37 are those administrative regulations that were originally published in Volume 37 (last year's) issues of the Administrative Register but had not yet gone into effect when the 2011 bound Volumes were published.					
SYMBOL KEY:			16 KAR 6:030		
* Statement of Consideration not filed by deadline			Amended	2665	7-11-11
** Withdrawn, not in effect within 1 year of publication			31 KAR 5:010		
*** Withdrawn before being printed in Register			Amended	2254	
**** Emergency expired after 180 days			As Amended	2542	6-3-11
(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.			31 KAR 6:030		
			Amended	2443	
			As Amended	2828	7-1-11
			32 KAR 1:030		
			Amended	1502	3-4-11
			32 KAR 1:190		
			Amended	1504	3-4-11
			32 KAR 2:130		
			Amended	2256	6-3-11
			101 KAR 1:325		
			Amended	2666	7-21-11
			101 KAR 2:095		
			Amended	2669	(See 38 Ky.R.)
			101 KAR 2:102		
			Amended	2672	(See 38 Ky.R.)
			101 KAR 3:015		
			Amended	2677	(See 38 Ky.R.)
			102 KAR 1:178	2303	6-3-11
			103 KAR 3:010		
			Amended	2258	
			As Amended	2543	6-3-11
			103 KAR 3:030		
			Amended	2263	
			As Amended	2547	6-3-11
			103 KAR 3:040		
			Amended	2273	
			As Amended	2556	6-3-11
			103 KAR 3:050		
			Amended	760	7-1-11
			103 KAR 15:195	2769	(See 38 Ky.R.)
			201 KAR 3:015		
			Repealed	3020	10-19-11
			201 KAR 3:045		
			Amended	2891	
			201 KAR 3:080		
			Repealed	3020	10-19-11
			201 KAR 3:081(r)	3020	10-19-11
			201 KAR 3:090	3021	(See 38 Ky.R.)
			201 KAR 8:532	3022	(See 38 Ky.R.)
			201 KAR 8:550	2308	
			Amended	2876	8-5-11
			201 KAR 8:560	626	Withdrawn
			Withdrawn		2-8-11
			201 KAR 8:562	3027	(See 38 Ky.R.)
			201 KAR 12:083		
			Amended	2282	
			As Amended	2829	7-1-11
			201 KAR 20:056		
			Amended	2892	(See 38 Ky.R.)
			201 KAR 20:059		
			Amended	2046	6-3-11
			201 KAR 20:062		
			Amended	2895	8-17-11
			201 KAR 20:070		
			Amended	2900	8-17-11
			201 KAR 20:110		
			Amended	2902	8-17-11
			201 KAR 20:215		
			Amended	2905	8-17-11
			201 KAR 20:225		
			Amended	2907	8-17-11
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	2128	2-1-11			
Replaced	2542	6-3-11			
31 KAR 6:030E	2352	3-10-11			
Replaced	2828	7-1-11			
32 KAR 1:030E	1381	11-2-10			
Replaced	2828	3-4-11			
32 KAR 1:190E	1382	11-2-10			
Replaced	1504	3-4-11			
32 KAR 2:130E	2130	2-7-11			
Replaced	2256	6-3-11			
101 KAR 2:095E	2522	3-31-11			
Replaced		(See 38 Ky.R.)			
101 KAR 2:102E	2525	3-31-11			
Replaced		(See 38 Ky.R.)			
101 KAR 3:015E	2530	3-31-11			
Replaced		(See 38 Ky.R.)			
103 KAR 15:195E	2535	4-1-11			
Replaced		(See 38 Ky.R.)			
201 KAR 8:008E	2807	4-21-11			
Expired		10-18-11			
201 KAR 8:532E	2808	4-21-11			
Replaced		(See 38 Ky.R.)			
201 KAR 8:550E	2143	2-2-11			
Replaced	2876	8-5-11			
201 KAR 8:562E	2812	4-21-11			
Replaced		(See 38 Ky.R.)			
201 KAR 43:010E	2817	4-29-11			
Replaced		(See 38 Ky.R.)			
201 KAR 43:020E	2818	4-29-11			
Replaced	3032	12-2-11			
201 KAR 43:030E	2820	4-29-11			
Replaced	3034	12-2-11			
201 KAR 43:040E	2821	4-29-11			
Replaced	3035	12-2-11			
401 KAR 51:052E	2352	3-14-11			
Replaced		8-4-11			
815 KAR 10:070E	2824	5-10-11			
Replaced		(See 38 Ky.R.)			
900 KAR 5:020E	3005	5-6-11			
Replaced		10-19-11			
922 KAR 1:420E	1960	1-3-11			
Expired	****	7-2-11			
ORDINARY ADMINISTRATIVE REGULATIONS:					
13 KAR 2:060					
Amended	2250				
As Amended	2539	6-3-11			
16 KAR 3:050					
Amended	1500				
As Amended	1963	3-1-11			

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201 KAR 20:240			201 KAR 39:090		
Amended	2909	8-17-11	Amended	2461	
201 KAR 20:310			Withdrawn		9-15-11
Amended	2911	8-17-11	201 KAR 39:100		
201 KAR 20:411			Amended	2464	
Amended	2913	8-17-11	Withdrawn		9-15-11
201 KAR 20:470		(See 38 Ky.R.)	201 KAR 39:120		
Amended	2915	8-17-11	Amended	2466	
201 KAR 26:115			Withdrawn		9-15-11
Amended	1511		201 KAR 41:100	1112	
As Amended	1976	3-4-11	As Amended	1987	3-4-11
201 KAR 26:121			201 KAR 42:010		
Amended	1513	3-4-11	Amended	1009	
201 KAR 26:125			Amended	1695	
Amended	1514		As Amended	1988	3-4-11
As Amended	1977	3-4-11	201 KAR 42:020		
201 KAR 26:130			Amended	1011	
Amended	1516		Amended	1696	
As Amended	1977	3-4-11	As Amended	1989	3-4-11
201 KAR 26:155			201 KAR 42:030		
Amended	1518		Amended	1012	
As Amended	1978	3-4-11	As Amended	1989	3-4-11
201 KAR 26:171			201 KAR 42:035		
Amended	1520		Amended	1013	
As Amended	1979	3-4-11	Amended	1697	
201 KAR 26:175			As Amended	1990	3-4-11
Amended	1523	3-4-11	201 KAR 42:040		
201 KAR 26:180			Amended	1015	
Amended	1526	3-4-11	Amended	1699	
201 KAR 26:185			As Amended	1991	3-4-11
Amended	1527		201 KAR 42:050		
As Amended	1982	3-4-11	Amended	1016	
201 KAR 26:190			Amended	1700	
Amended	1529		As Amended	1992	3-4-11
As Amended	1983	3-4-11	201 KAR 42:060		
201 KAR 26:200			Amended	1018	
Amended	1532		Amended	1702	
As Amended	1984	3-4-11	As Amended	1993	3-4-11
201 KAR 26:215			201 KAR 42:070		
Amended	1533	3-4-11	Amended	1020	
201 KAR 26:230			Amended	1704	
Amended	1535		As Amended	1993	3-4-11
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201 KAR 26:270			Amended	1705	
Amended	1537	3-4-11	As Amended	1994	3-4-11
201 KAR 26:290			201 KAR 42:110		
Amended	1539	3-4-11	Amended	1022	
201 KAR 26:310	1597		As Amended	1996	3-4-11
As Amended	1987	3-4-11	201 KAR 43:010	3031	(See 38 Ky.R.)
201 KAR 30:040			201 KAR 43:020	3032	(See 38 Ky.R.)
Amended	101	10-1-11	201 KAR 43:030	3034	(See 38 Ky.R.)
201 KAR 39:010	2507		201 KAR 43:040	3035	(See 38 Ky.R.)
Withdrawn		9-15-11	301 KAR 1:152	2772	
201 KAR 39:030			Withdrawn		7-8-11
Amended	2451		301 KAR 1:155		
Withdrawn		9-15-11	Amended	2056	
201 KAR 39:040			Amended	2430	
Amended	2453		As Amended	2565	6-3-11
Withdrawn		9-15-11	301 KAR 2:049		
201 KAR 39:050			Amended	2283	6-3-11
Amended	2455		301 KAR 2:095		
Withdrawn		9-15-11	Amended	2682	8-4-11
201 KAR 39:060			301 KAR 2:178		
Amended	2457		Amended	2065	
Withdrawn		9-15-11	As Amended	2568	6-3-11
201 KAR 39:070			301 KAR 2:300		
Amended	2459		Amended	2683	(See 38 Ky.R.)
Withdrawn		9-15-11	400 KAR 2:090		(See 38 Ky.R.)
201 KAR 39:080			Amended	2920	
Amended	2460		401 KAR 5:006		
Withdrawn		9-15-11	Amended	1757	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	37 Ky.R. Page No.	Effective Date	Regulation Number	37 Ky.R. Page No.	Effective Date
Amended	2434	6-3-11	Amendment	2935	10-7-11
401 KAR 8:020			501 KAR 3:010		
Amendment	2924	(See 38 Ky.R.)	Amendment	2936	(See 38 Ky.R.)
401 KAR 10:030			501 KAR 3:020		
Amended	2071		Amendment	2938	(See 38 Ky.R.)
Amended	2655	8-5-211	501 KAR 3:030		
401 KAR 42:005			Amendment	2940	(See 38 Ky.R.)
Amended	2686	(See 38 Ky.R.)	501 KAR 3:040		
401 KAR 42:011			Amendment	2942	(See 38 Ky.R.)
Amended	2691	(See 38 Ky.R.)	501 KAR 3:050		
401 KAR 42:020			Amendment	2943	(See 38 Ky.R.)
Amended	2693	(See 38 Ky.R.)	501 KAR 3:060		
401 KAR 42:030			Amendment	2949	(See 38 Ky.R.)
Amended	2696	(See 38 Ky.R.)	501 KAR 3:070		
401 KAR 42:040			Amendment	2951	(See 38 Ky.R.)
Amended	2700	(See 38 Ky.R.)	501 KAR 3:080		
401 KAR 42:045	2773	(See 38 Ky.R.)	Amendment	2952	(See 38 Ky.R.)
401 KAR 42:050			501 KAR 3:090		
Amended	2702	(See 38 Ky.R.)	Amendment	2954	(See 38 Ky.R.)
401 KAR 42:060			501 KAR 3:100		
Amended	2704	(See 38 Ky.R.)	Amendment	2956	(See 38 Ky.R.)
401 KAR 42:070			501 KAR 3:110		
Amended	2706	(See 38 Ky.R.)	Amendment	2958	(See 38 Ky.R.)
401 KAR 42:080			501 KAR 3:120		
Amended	2709	(See 38 Ky.R.)	Amendment	2959	(See 38 Ky.R.)
401 KAR 42:090			501 KAR 3:130		
Amended	2711	(See 38 Ky.R.)	Amendment	2961	(See 38 Ky.R.)
401 KAR 42:095	2775	(See 38 Ky.R.)	501 KAR 3:140		
401 KAR 42:200			Amendment	2964	(See 38 Ky.R.)
Amended	2713	(See 38 Ky.R.)	501 KAR 3:150		
401 KAR 42:250			Amendment	2966	(See 38 Ky.R.)
Amended	2715	(See 38 Ky.R.)	501 KAR 3:160	3038	(See 38 Ky.R.)
401 KAR 42:290			501 KAR 3:170	3040	(See 38 Ky.R.)
Amended	2726	(See 38 Ky.R.)	501 KAR 7:010		
401 KAR 42:300			Amended	2969	(See 38 Ky.R.)
Amended	2729	(See 38 Ky.R.)	501 KAR 7:020		
401 KAR 42:314			Amended	2970	(See 38 Ky.R.)
Repealed	2777	10-6-11	501 KAR 7:030		
401 KAR 42:315	2777	10-6-11	Amended	2972	(See 38 Ky.R.)
401 KAR 42:316			501 KAR 7:040		
Amended	2731	(See 38 Ky.R.)	Amended	2973	(See 38 Ky.R.)
401 KAR 42:320			501 KAR 7:050		
Amended	2733	(See 38 Ky.R.)	Amended	2975	(See 38 Ky.R.)
401 KAR 42:330			501 KAR 7:060		
Amended	2735	(See 38 Ky.R.)	Amended	2978	(See 38 Ky.R.)
401 KAR 42:335			501 KAR 7:070		
Amended	2738	(See 38 Ky.R.)	Amended	2979	(See 38 Ky.R.)
401 KAR 42:340			501 KAR 7:080		
Amended	2739	(See 38 Ky.R.)	Amended	2981	(See 38 Ky.R.)
401 KAR 47:205	2778	(See 38 Ky.R.)	501 KAR 7:090		
401 KAR 47:207	2781	(See 38 Ky.R.)	Amended	2982	(See 38 Ky.R.)
401 KAR 48:205	2784	(See 38 Ky.R.)	501 KAR 7:100		
401 KAR 48:206	2788	(See 38 Ky.R.)	Amended	2984	10-7-11
401 KAR 48:207	2792	(See 38 Ky.R.)	501 KAR 7:110		
401 KAR 48:208	2795	(See 38 Ky.R.)	Amended	2985	(See 38 Ky.R.)
401 KAR 49:080			501 KAR 7:120		
Amended	1349		Amended	2987	(See 38 Ky.R.)
Amended	1707	3-4-11	501 KAR 7:130		
401 KAR 51:052			Amended	2989	(See 38 Ky.R.)
Amended	2470	8-4-11	501 KAR 7:140		
500 KAR 8:010			Amended	2990	(See 38 Ky.R.)
Amendment	2927	(See 38 Ky.R.)	501 KAR 7:150	3041	(See 38 Ky.R.)
501 KAR 2:020			501 KAR 13:010		
Amendment	2929	(See 38 Ky.R.)	Amended	2992	(See 38 Ky.R.)
501 KAR 2:040			502 KAR 12:010		
Amendment	2930	10-7-11	Amended	1546	
501 KAR 2:050			As Amended	1997	3-4-11
Amendment	2932	10-7-11	505 KAR 1:130		
501 KAR 2:060			Amended	2289	
Amendment	2933	(See 38 Ky.R.)	Amended	2881	8-5-2011
501 KAR 2:070					

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601 KAR 1:018			810 KAR 1:001		
Amended	808		Amended	825	
As Amended	2000	2-9-11	As Amended	2852	7-1-11
603 KAR 4:035			810 KAR 1:011		
Amended	2741		Amended	828	
Withdrawn		7-13-11	As Amended	2855	7-1-11
702 KAR 7:125			810 KAR 1:120	895	
Amended	2291		As Amended	2859	7-1-11
As Amended	2572	6-3-11	811 KAR 1:005		
703 KAR 5:200	3042	(See 38 Ky.R.)	Amended	834	
787 KAR 1:070			As Amended	2860	
Amended	2994	9-2-11	Reprint		(See 38 Ky.R.)
787 KAR 1:090			811 KAR 1:125		
Amended	2996	(See 38 Ky.R.)	Amended	837	
787 KAR 1:210			As Amended	2862	7-1-11
Amended	2898	(See 38 Ky.R.)	811 KAR 1:240	1130	
787 KAR 2:020			Amended	1720	
Amended	1551	3-4-11	As Amended	2013	3-4-11
803 KAR 25:089			811 KAR 1:250	898	
Amended	1078		As Amended	2871	7-1-11
Amended	1492	3-4-11	811 KAR 1:280	2318	
803 KAR 25:091			As Amended	2575	6-3-11
Amended	1080		811 KAR 2:010		
As Amended	2005	3-4-11	Amended	847	
806 KAR 2:150	1938		As Amended	2872	
Amended	2438	6-3-11	Reprint		(See 38 Ky.R.)
806 KAR 3:170			811 KAR 2:060		
Amended	2746	(See 38 Ky.R.)	Amended	851	7-1-11
806 KAR 9:220			811 KAR 2:150	1136	
Amended	1554	3-4-11	Amended	1723	
806 KAR 12:120			As Amended	2015	3-4-11
Amended	2754	(See 38 Ky.R.)	811 KAR 2:160	900	7-1-11
806 KAR 13:120			811 KAR 2:180	2328	
Amended	1557		As Amended	2584	6-3-11
As Amended	2007	3-4-11	811 KAR 2:190	2338	
806 KAR 44:010	1603		Amended	2883	(See 38 Ky.R.)
As Amended	2010	3-4-11	815 KAR 7:120		
808 KAR 10:010			Amended	1092	
Amended	2482		Amended	1727	3-4-11
As Amended	2836	7-1-11	815 KAR 7:125		
808 KAR 10:030			Amended	1095	
Amended	2484		Amended	1729	3-4-11
As Amended	2837	7-1-11	815 KAR 10:070	3045	(See 38 Ky.R.)
808 KAR 10:050			815 KAR 20:030		
Amended	2487		Amended	275	(See 38 Ky.R.)
As Amended	2839	7-1-11	815 KAR 20:034		
808 KAR 10:200			Amended	1568	
Amended	2488		As Amended	2017	3-4-11
As Amended	2839	7-1-11	815 KAR 20:070		
808 KAR 10:240			Amended	2759	8-5-11
Amended	2492		815 KAR 35:060		
As Amended	2842	7-1-11	Amended	3000	(See 38 Ky.R.)
808 KAR 10:260			815 KAR 35:100		
Amended	2493		Amended	3002	(See 38 Ky.R.)
As Amended	2842	7-1-11	900 KAR 5:020		
808 KAR 10:280			Amended	3005	10-19-11
Amended	2494		900 KAR 6:030		
As Amended	2843	7-1-11	Amended	2762	(See 38 Ky.R.)
808 KAR 10:410			900 KAR 7:030		
Amended	2498		Amended	2763	(See 38 Ky.R.)
As Amended	2845	7-1-11	902 KAR 8:160		
808 KAR 10:440			Amended	3006	(See 38 Ky.R.)
Amended	2500		902 KAR 8:165		
As Amended	2847	7-1-11	Amended	3010	(See 38 Ky.R.)
808 KAR 10:450			902 KAR 8:170		
Amended	2503		Amended	3012	(See 38 Ky.R.)
As Amended	2849	7-1-11	902 KAR 20:410	1142	
808 KAR 10:480	2509		Amended	1731	
As Amended	2850	7-1-11	As Amended	2019	3-4-11
808 KAR 10:490	2511		902 KAR 100:010		
As Amended	2851	7-1-11	Amended	1799	

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As Amended	2594	6-3-11	Amended	2886	(See 38 Ky.R.)
902 KAR 100:021			908 KAR 3:050		
Amended	1814		Amended	1358	
As Amended	2607	6-3-11	As Amended	2022	3-4-11
902 KAR 100:058			922 KAR 1:420		
Amended	1820		Amended	2092	
As Amended	2612	6-3-11	Withdrawn		12-2-11
902 KAR 100:070					
Amended	1827				
As Amended	2618	6-3-11			
902 KAR 100:072					
Amended	1837				
As Amended	2627	6-3-11			
902 KAR 100:165					
Amended	1863				
As Amended	2651	6-3-11			
907 KAR 1:014					
Amended	551				
As Amended	984	11-5-10			
907 KAR 1:715					
Amended	2298				

SYMBOL KEY:

* Statement of Consideration not filed by deadline

** Withdrawn, not in effect within 1 year of publication

*** Withdrawn before being printed in Register

(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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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.)

32 KAR 1:050E	206	7-1-11	Replaced	903	11-3-11
Replaced	294	11-4-11	501 KAR 6:250E	1423	12-16-11
32 KAR 1:070E	207	7-1-11	501 KAR 6:270E	1426	12-16-11
Replaced	736	11-4-11	815 KAR 4:010E	212	7-8-11
101 KAR 2:095E		(See 37 Ky.R.)	Replaced	914	11-30-11
Replaced	482	9-28-11	815 KAR 4:025E	215	7-8-11
101 KAR 2:102E		(See 37 Ky.R.)	Replaced	915	11-30-11
Replaced	484	9-28-11	815 KAR 4:030E	217	7-8-11
101 KAR 2:180E	1420	1-3-12	Replaced	916	11-30-11
101 KAR 2:210E	731	9-15-11	815 KAR 4:040E	219	7-8-11
Replaced	1116	1-6-12	Replaced	917	11-30-11
101 KAR 3:015E		(See 37 Ky.R.)	815 KAR 4:050E	221	7-8-11
Replaced	488	9-28-11	Replaced	918	11-30-11
103 KAR 3:040E	1278	12-9-11	815 KAR 4:060E	223	7-8-11
Replaced	1538	4-6-12	Replaced	919	11-30-11
103 KAR 15:195E		(See 37 Ky.R.)	815 KAR 4:070E	225	7-8-11
Replaced	13	8-5-11	Replaced	444	11-30-11
201 KAR 8:532E		(See 37 Ky.R.)	815 KAR 10:070E		(See 37 Ky.R.)
Replaced	501	9-13-11	Replaced	241	8-17-11
201 KAR 8:562E		(See 37 Ky.R.)	900 KAR 7:030E	1089	10-28-11
Replaced	504	9-13-11	Replaced	1236	3-21-12
201 KAR 11:225E	1535	2-14-12	902 KAR 15:020E	227	6-30-11
201 KAR 30:310E	209	7-15-11	Replaced	924	11-10-11
Replaced	1298	2-3-12	907 KAR 1:018E	880	10-3-11
201 KAR 30:320E	210	7-15-11	Replaced	1451	3-2-12
Replaced	1298	2-3-12	907 KAR 1:595E	459	7-21-11
201 KAR 30:330E	211	7-15-11	Replaced	968	12-2-11
Replaced	1299	2-3-12	907 KAR 17:005E	1093	10-28-11
201 KAR 43:010E		(See 37 Ky.R.)	921 KAR 2:015E	1429	12-29-11
Expired		11-26-11	921 KAR 3:090E	232	6-30-11
301 KAR 2:221E	874	9-20-11	Replaced	416	10-19-11
Replaced	1044	2-3-12			
301 KAR 2:222E	876	9-20-11			
Replaced	1046	2-3-12			
301 KAR 2:225E	732	8-18-11			
Replaced	821	1-6-12			
302 KAR 20:052E	1088	11-10-11			
Replaced	1562	4-6-12			
302 KAR 29:061E	11	6-3-11			
Expired		11-30-11			
302 KAR 45:010E	456	8-2-11			

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11 KAR 4:080		
Amended	1610	
11 KAR 5:145		
Amended	1611	
11 KAR 15:090		
Amended	64	
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13 KAR 2:020		
Amended	804	
Amended	1163	

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13 KAR 2:110	1243		101 KAR 3:015		(See 37 Ky.R.)
As Amended	1435	3-2-12	As Amended	488	9-28-11
16 KAR 2:010			Amended	1178	
Amended	68		103 KAR 3:010		
As Amended	479	10-7-11	Amended	1613	
16 KAR 2:040			As Amended	1821	
Amended	635		103 KAR 3:020		
As Amended	885	11-14-11	Amended	1013	
16 KAR 4:030			As Amended	1293	2-3-12
Amended	1763		103 KAR 3:030		
16 KAR 4:060			Amended	1618	
Amended	71		As Amended	1825	
As Amended	481	10-7-11	103 KAR 3:040		
16 KAR 5:020			Amended	1349	
Amended	1169		As Amended	1538	4-6-12
As Amended	1537	4-6-12	103 KAR 8:010		
16 KAR 5:040			Amended	73	
Amended	637		As Amended	1297	
As Amended	887	11-14-11	103 KAR 15:195		(See 37 Ky.R.)
16 KAR 6:010			As Amended	13	8-5-11
Amended	1457		105 KAR 1:140		
As Amended	1697		Amended	74	
16 KAR 6:030		(See 37 Ky.R.)	As Amended	492	9-28-11
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16 KAR 9:090	705		Amended	77	
As Amended	889	11-14-11	As Amended	494	9-28-11
17 KAR 3:020			105 KAR 1:440		
Amended	1460		Amended	813	1-6-12
31 KAR 3:020	1245		200 KAR 21:010		
As Amended	1436	3-2-12	Amended	84	
32 KAR 1:050			As Amended	500	9-28-11
Amended	294	11-4-11	200 KAR 21:030		
32 KAR 1:070			Repealed	166	9-28-11
Amended	295		200 KAR 21:031	166	9-28-11
As Amended	736	11-4-11	201 KAR 1:081		
101 KAR 1:335			Amended	1465	
Amended	809		As Amended	1834	
As Amended	1115	1-6-12	201 KAR 1:160		
101 KAR 1:365			Amended	814	
Amended	1011		As Amended	1117	1-6-12
Withdrawn		11-2-11	201 KAR 2:170		
101 KAR 1:375			Amended	652	
Amended	641		As Amended	1297	1-18-12
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101 KAR 2:046			As Amended	736	11-4-11
Amended	643		201 KAR 3:090		(See 37 Ky.R.)
As Amended	891	11-16-11	As Amended	737	11-4-11
101 KAR 2:056			201 KAR 5:110	167	
Amended	645		Amended	621	
As Amended	892	11-16-11	Reprint	872	11-4-11
101 KAR 2:095		(See 37 Ky.R.)	201 KAR 8:532		(See 37 Ky.R.)
As Amended	482	9-28-11	As Amended	501	9-13-11
101 KAR 2:102		(See 37 Ky.R.)	201 KAR 8:562		(See 37 Ky.R.)
As Amended	484	9-28-11	As Amended	504	9-13-11
Amended	1171		Amended	1870	
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101 KAR 2:106			201 KAR 11:225	1670	
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101 KAR 2:140			Amended	1875	
Amended	1176		201 KAR 14:015		
101 KAR 2:180			Amended	86	
Amended	650		As Amended	508	10-7-11
Withdrawn		12-1-11	201 KAR 14:180		
Amended	1462		Amended	1183	3-2-12
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101 KAR 2:210			Amended	1628	
Amended	812		As Amended	1836	

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201 KAR 17:012			Amended	1640	
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201 KAR 17:032			Amended	1191	
Amended	1632		As Amended	1703	
As Amended	1837		201 KAR 27:012		
201 KAR 17:034			Amended	1197	
Amended	1633		Amended	1574	
As Amended	1838		As Amended	1708	
201 KAR 17:036			201 KAR 27:016		
Amended	1635		Amended	1200	
As Amended	1839		Amended	1576	
201 KAR 18:040			As Amended	1710	
Amended	1636		201 KAR 27:017		
As Amended	1840		Amended	1205	
201 KAR 18:192			As Amended	1715	
Amended	654		201 KAR 27:035		
As Amended	894	12-2-11	Amended	1208	
201 KAR 20:056		(See 37 Ky.R.)	As Amended	1717	
As Amended	235	8-17-11	201 KAR 27:055		
Amended	1358		Amended	1209	
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201 KAR 20:057			201 KAR 27:100		
Amended	1361		Amended	1211	
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201 KAR 20:085			As Amended	1718	
Amended	1185		201 KAR 29:050		
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201 KAR 20:161			Amended	787	
Amended	297	10-19-11	As Amended	897	11-16-11
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Amended	1186		Amended	1469	10-1-10
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Amended	1189		Amended	1768	
As Amended	1439	2-15-12	201 KAR 30:310	420	
201 KAR 20:370			Amended	989	
Amended	299	10-19-11	As Amended	1298	2-3-12
201 KAR 20:410			201 KAR 30:320	421	
Amended	1190		As Amended	1298	2-3-12
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201 KAR 20:490			As Amended	1299	2-3-12
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Amended	1638		As Amended	1553	3-21-12
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Amended	1467		201 KAR 32:035		
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201 KAR 23:015			Amended	1374	
Amended	1767		As Amended	1556	3-21-12
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Amended	817	12-7-11	Amended	1375	3-21-12
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201 KAR 36:070			201 KAR 44:030	429	
Amended	1021		As Amended	1120	1-6-12
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201 KAR 37:010			As Amended	1121	1-6-12
Amended	1471		201 KAR 44:050	433	
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201 KAR 39:001	1671		201 KAR 44:060	1512	
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201 KAR 39:011	1070		201 KAR 44:070	1514	
Withdrawn		1-13-12	As Amended	1854	
201 KAR 39:030			201 KAR 44:080	1516	
Amended	1022		As Amended	1856	
Withdrawn		1-13-12	202 KAR 7:601		
Amended	1641		Amended	1770	
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201 KAR 39:040			Amended	303	10-6-11
Amended	1024		301 KAR 1:058		
Withdrawn		1-13-12	Amended	1659	
Amended	1643		As Amended	1856	
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201 KAR 39:050			Amended	1473	
Amended	1026		As Amended	1724	
Withdrawn		1-13-12	301 KAR 1:201		
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Withdrawn		1-13-12	301 KAR 2:041		
Amended	1647		Amended	1879	
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201 KAR 39:070			Amended	1883	
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Withdrawn		1-13-12	Amended	1887	
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Withdrawn		1-13-12	Amended	1038	
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SYMBOL KEY:

- * Statement of Consideration not filed by deadline
- ** Withdrawn, not in effect within 1 year of publication
- *** Withdrawn before being printed in Register
- (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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131.510	103 KAR 3:010	134.800	103 KAR 3:010
	103 KAR 3:030		103 KAR 3:030
	103 KAR 3:040	134.805	103 KAR 3:010
131.530	103 KAR 3:010		103 KAR 3:030
131.540	103 KAR 3:010	134.810	103 KAR 3:010
	103 KAR 3:030		103 KAR 3:030
	103 KAR 3:040	134.815	103 KAR 3:010
132.010	815 KAR 7:120		103 KAR 3:030
	815 KAR 7:125	134.820	103 KAR 3:010
132.020	103 KAR 3:010		103 KAR 3:030
	103 KAR 3:030	134.825	103 KAR 3:010
132.130-132.160	103 KAR 3:010		103 KAR 3:030
132.130-132.180	103 KAR 3:030	134.830	103 KAR 3:010
132.180	103 KAR 3:010		103 KAR 3:030
132.190	103 KAR 3:010	135.010	103 KAR 3:010
	103 KAR 3:030		103 KAR 3:030
132.200	103 KAR 3:010	135.020	103 KAR 3:010
	103 KAR 3:030		103 KAR 3:030
132.220	103 KAR 3:010	135.050	103 KAR 3:010
132.220-132.270	103 KAR 3:030		103 KAR 3:030
132.227	103 KAR 3:010	136.020	103 KAR 3:010
132.230	103 KAR 3:010		103 KAR 3:030
132.260	103 KAR 3:010	136.050	103 KAR 3:010
132.270	103 KAR 3:010		103 KAR 3:030
132.290	103 KAR 3:010	136.070	103 KAR 3:010
	103 KAR 3:030	136.071	103 KAR 3:010
132.210	103 KAR 3:010	136.090	103 KAR 3:010
132.310	103 KAR 3:030	136.100	103 KAR 3:010
132.320	103 KAR 3:010	136.115-136.180	103 KAR 3:010
	103 KAR 3:030		103 KAR 3:030
132.360	103 KAR 3:030	136.188	103 KAR 3:030
132.450	103 KAR 3:010	136.310	103 KAR 3:010
132.487	103 KAR 3:010		103 KAR 3:030
132.510	103 KAR 3:010	136.320	103 KAR 3:010
132.820	103 KAR 3:010		103 KAR 3:030
132.990	103 KAR 3:010	136.330	103 KAR 3:010
133.045	103 KAR 3:010		103 KAR 3:030
133.110	103 KAR 3:010	136.335	103 KAR 3:010
133.120	103 KAR 3:010		103 KAR 3:030
133.130	103 KAR 3:010	136.377	103 KAR 3:010
133.240	103 KAR 3:010		103 KAR 3:030
134.020	103 KAR 3:010	136.392	103 KAR 3:010
134.390	103 KAR 3:010	136.545	103 KAR 3:010
134.420	103 KAR 3:010		103 KAR 3:030
134.430	103 KAR 3:010	136.575	103 KAR 3:010
134.440	103 KAR 3:010		103 KAR 3:030
132.450	103 KAR 3:030	136.600-136.660	103 KAR 3:010
132.487	103 KAR 3:030		103 KAR 3:020
134.500	103 KAR 3:010		103 KAR 3:030
132.510	103 KAR 3:030	136.0704	103 KAR 3:010
132.820	103 KAR 3:030	136.1801	103 KAR 8:010
132.825	103 KAR 3:030	136.1802	103 KAR 8:010
132.990	103 KAR 3:030	136.1802-136.1806	103 KAR 3:030
133.045	103 KAR 3:030	136.1873	103 KAR 3:010
133.110	103 KAR 3:030		103 KAR 3:030
133.120	103 KAR 3:030	137.130	103 KAR 3:010
133.130	103 KAR 3:030		103 KAR 3:030
133.240	103 KAR 3:030	137.160	103 KAR 3:010
134.020	103 KAR 3:030		103 KAR 3:030
134.121	103 KAR 3:030	138.448	103 KAR 3:010
134.122	103 KAR 3:030	138.510	810 KAR 1:090
134.128	103 KAR 3:030	138.885	103 KAR 3:010
134.129	103 KAR 3:030	139.010-139.795	103 KAR 3:020
134.015	103 KAR 3:030	139.185	103 KAR 3:010
134.119	103 KAR 3:030	139.200	103 KAR 3:010
134.390	103 KAR 3:030	139.240	103 KAR 3:010

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139.390	103 KAR 3:010	141.985	103 KAR 3:040
139.550	103 KAR 3:010	141.990	103 KAR 3:040
141.010	103 KAR 3:040	142.010	103 KAR 3:010
141.0101	103 KAR 3:040	142.050	103 KAR 3:010
141.011	103 KAR 3:040	142.321	103 KAR 3:010
141.016	103 KAR 3:040	142.327	103 KAR 3:010
141.020	103 KAR 3:040	142.357	103 KAR 3:010
141.0202	103 KAR 3:040	143.030	103 KAR 3:010
141.030	103 KAR 3:040		103 KAR 3:030
141.040	103 KAR 3:040	143.037	103 KAR 3:010
141.0401	103 KAR 3:010		103 KAR 3:030
	103 KAR 3:040	143.040	103 KAR 3:010
141.0405	103 KAR 3:040		103 KAR 3:030
141.041	103 KAR 3:040	143.050	103 KAR 3:010
141.042	103 KAR 3:040		103 KAR 3:030
141.044	103 KAR 3:040	143.060	103 KAR 3:010
141.050	103 KAR 3:010		103 KAR 3:030
141.062	103 KAR 3:040	143.085	103 KAR 3:010
141.065	103 KAR 3:040		103 KAR 3:030
141.066	103 KAR 3:040	143.990	103 KAR 3:010
141.067	103 KAR 3:040		103 KAR 3:030
141.068	103 KAR 3:040	143A.010	103 KAR 3:010
141.069	103 KAR 3:040		103 KAR 3:030
141.070	103 KAR 3:040	143A.030	103 KAR 3:010
141.071	103 KAR 3:040		103 KAR 3:030
141.120	103 KAR 3:040	143A.035	103 KAR 3:010
141.121	103 KAR 3:040		103 KAR 3:030
141.160	103 KAR 3:040	143A.037	103 KAR 3:010
141.170	103 KAR 3:040		103 KAR 3:030
141.180	103 KAR 3:040	143A.080	103 KAR 3:010
141.200	103 KAR 3:040		103 KAR 3:030
141.205	103 KAR 3:040	143A.090	103 KAR 3:010
141.206	103 KAR 3:040		103 KAR 3:030
141.207	103 KAR 3:040	143A.100	103 KAR 3:010
141.208	103 KAR 3:040		103 KAR 3:030
141.210	103 KAR 3:010	143A.991	103 KAR 3:010
141.235	103 KAR 3:010		103 KAR 3:030
141.300	103 KAR 3:040	144.132	103 KAR 3:020
141.310	103 KAR 3:040	144.137	10 KAR 3:020
141.325	103 KAR 3:040	146.410	400 KAR 2:090
141.330	103 KAR 3:040	146.440	400 KAR 2:090
141.335	103 KAR 3:040	150.010	301 KAR 1:015
141.340	103 KAR 3:010		301 KAR 1:058
141.347	103 KAR 3:040		301 KAR 1:152
141.370	103 KAR 3:040		301 KAR 1:201
141.381	103 KAR 3:040		301 KAR 1:410
141.382	103 KAR 3:040		301 KAR 2:041
141.383	103 KAR 3:040		301 KAR 2:049
141.384	103 KAR 3:040		301 KAR 2:082
141.385	103 KAR 3:040		301 KAR 2:172
141.386	103 KAR 3:040		301 KAR 2:178
141.390	103 KAR 3:040		301 KAR 2:221
141.395	103 KAR 3:040		301 KAR 2:222
141.400	103 KAR 3:040		301 KAR 2:228
141.401	103 KAR 3:040		301 KAR 2:300
141.402	103 KAR 3:040	150.015	301 KAR 2:081
141.403	103 KAR 3:040		301 KAR 2:082
141.405	103 KAR 3:040	150.025	301 KAR 2:221
141.407	103 KAR 3:040		301 KAR 3:022
141.412	103 KAR 3:040	150.090	301 KAR 1:015
141.415	103 KAR 3:040	150.092	301 KAR 2:300
141.418	103 KAR 3:040	150.170	301 KAR 1:152
141.420	103 KAR 3:040		301 KAR 1:201
141.421	103 KAR 3:040		301 KAR 1:410
141.423	103 KAR 3:040		301 KAR 2:041
141.424	103 KAR 3:040		301 KAR 2:049
141.4242	103 KAR 3:040		301 KAR 2:178
141.4244	103 KAR 3:040		301 KAR 2:251
141.428	103 KAR 3:040		301 KAR 2:300
141.430	103 KAR 3:040	150.175	301 KAR 1:152
141.434	103 KAR 3:040		301 KAR 1:201
141.436	103 KAR 3:040		301 KAR 1:410
141.437	103 KAR 3:040		301 KAR 2:142

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	301 KAR 3:022		301 KAR 2:081
150.177	301 KAR 2:172		301 KAR 2:082
150.180	301 KAR 2:041		301 KAR 2:142
	301 KAR 2:172		301 KAR 2:172
	301 KAR 2:251		301 KAR 2:178
	301 KAR 3:022		301 KAR 2:221
150.183	301 KAR 3:022		301 KAR 2:222
150.235	301 KAR 1:410		301 KAR 2:228
150.240	301 KAR 3:022		301 KAR 2:251
150.275	301 KAR 3:022		301 KAR 2:300
150.280	301 KAR 2:041	151B	603 KAR 7:080
	301 KAR 2:084	151B.127	103 KAR 3:040
	301 KAR 3:022	154.12-2086	103 KAR 3:040
150.290	301 KAR 2:081	154.20-050	103 KAR 3:040
	301 KAR 2:084	154.20-206	103 KAR 3:020
	301 KAR 3:022	154.22-060	103 KAR 3:010
150.305	301 KAR 2:081		103 KAR 3:040
	301 KAR 2:082	154.22-070	103 KAR 3:010
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	301 KAR 2:221	154.23-035	103 KAR 3:040
	301 KAR 2:222	154.24-110	103 KAR 3:010
	301 KAR 2:228		103 KAR 3:040
150.320	301 KAR 2:081	154.24-130	103 KAR 3:010
	301 KAR 2:082	154.25-030	103 KAR 3:040
150.330	301 KAR 2:081	154.26-090	103 KAR 3:010
	301 KAR 2:082		103 KAR 3:040
	301 KAR 2:221	154.28-090	103 KAR 3:010
	301 KAR 2:222		103 KAR 3:040
	301 KAR 2:225	154.32-010	103 KAR 3:010
150.340	301 KAR 1:201		103 KAR 3:040
	301 KAR 2:178	154.34-080	103 KAR 3:040
	301 KAR 2:221	154.45-090	103 KAR 3:040
	301 KAR 2:222	154.48-025	103 KAR 3:040
	301 KAR 2:225	154A.130	11 KAR 15:090
	301 KAR 2:228	155.170	103 KAR 3:010
150.360	301 KAR 2:081		103 KAR 3:040
	301 KAR 2:142	156.070	702 KAR 6:110
	301 KAR 2:251		702 KAR 7:065
150.370	301 KAR 2:049		704 KAR 3:340
	301 KAR 2:081		704 KAR 5:070
	301 KAR 2:178	156.160	702 KAR 1:160
	301 KAR 2:251	156.160	13 KAR 2:020
150.399	301 KAR 2:049		704 KAR 3:340
	301 KAR 2:251		704 KAR 5:070
150.400	301 KAR 1:058	156.501	702 KAR 1:160
	301 KAR 2:049	156.502	702 KAR 1:160
	301 KAR 2:251	157	603 KAR 7:080
150.410	301 KAR 2:049	157.3175	16 KAR 2:040
150.411	301 KAR 2:172	158.031	703 KAR 5:140
150.415	301 KAR 2:251	158.645	703 KAR 5:225
150.416	301 KAR 2:251	158.6451	13 KAR 2:020
150.445	301 KAR 1:152		16 KAR 2:010
	301 KAR 1:410		703 KAR 5:002
150.450	301 KAR 1:152		703 KAR 5:070
	301 KAR 3:022		703 KAR 5:200
150.485	301 KAR 3:022		703 KAR 5:225
150.520	301 KAR 3:022		703 KAR 5:230
150.525	301 KAR 3:022		703 KAR 5:240
150.600	301 KAR 3:022	158.6453	13 KAR 2:020
150.603	301 KAR 2:225		703 KAR 5:002
	301 KAR 3:022		703 KAR 5:070
150.620	301 KAR 1:201		703 KAR 5:140
	301 KAR 1:410		703 KAR 5:220
	301 KAR 3:022		703 KAR 5:225
150.625	301 KAR 1:015	158.6455	703 KAR 5:070
150.630	301 KAR 2:041		703 KAR 5:220
150.660	301 KAR 3:022		703 KAR 5:225
150.720	301 KAR 3:022	160.613-160.617	103 KAR 3:010
150.990	301 KAR 1:015		103 KAR 3:020
	301 KAR 1:152	160.6154	103 KAR 3:010
	301 KAR 1:201	161.020	16 KAR 2:010
	301 KAR 1:410		16 KAR 2:060
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	16 KAR 5:020	186.576	782 KAR 1:070
	16 KAR 5:040	186.577	782 KAR 1:070
	16 KAR 6:010	186.578	782 KAR 1:070
161.028	16 KAR 9:090	186.579	782 KAR 1:070
	16 KAR 2:010	186A.215	601 KAR 9:160
	16 KAR 4:030	186A.295	601 KAR 9:160
	16 KAR 4:060	189.125	603 KAR 7:080
	16 KAR 5:020	189.221	601 KAR 1:018
	16 KAR 5:040	189.270	601 KAR 1:018
	16 KAR 6:010		601 KAR 1:019
	16 KAR 9:090	189.337	603 KAR 5:050
161.030	16 KAR 2:010	189.2225	601 KAR 1:018
	16 KAR 2:040	189.2715	601 KAR 1:018
	16 KAR 4:030	189.2717	601 KAR 1:018
	16 KAR 4:060	189A.010	908 KAR 1:310
	16 KAR 5:020	189A.040	908 KAR 1:310
	16 KAR 5:040	189A.045	908 KAR 1:310
	16 KAR 6:010	189A.070	908 KAR 1:310
	16 KAR 9:090	194A.025	907 KAR 17:005
161.042	16 KAR 5:040	194A.050	900 KAR 7:040
161.048	16 KAR 9:090	196	501 KAR 6:020
161.124	16 KAR 4:030		501 KAR 6:060
161.126	16 KAR 4:030		501 KAR 6:091
161.145	702 KAR 1:160		501 KAR 6:250
161.1221	16 KAR 9:090		501 KAR 6:260
163	603 KAR 7:080		501 KAR 6:270
163.450-163.470	782 KAR 1:040	196.030	501 KAR 6:240
163.470	782 KAR 1:010	196.035	501 KAR 6:240
	782 KAR 1:020		501 KAR 6:280
	782 KAR 1:030	197	501 KAR 6:020
163.500-163.527	735 KAR 1:010		501 KAR 6:060
	735 KAR 1:020		501 KAR 6:091
164.001	13 KAR 2:110		501 KAR 6:250
164.020	13 KAR 2:020		501 KAR 6:270
	13 KAR 2:110	197.020	501 KAR 6:240
164.030	13 KAR 2:020		501 KAR 6:280
164.295	13 KAR 2:110	197.170	501 KAR 6:240
164.518	11 KAR 4:080	197.410	501 KAR 1:030
	922 KAR 2:240	198B.010	815 KAR 7:120
164.772	201 KAR 22:020		815 KAR 7:125
164.744	11 KAR 3:100	198B.030	815 KAR 4:050
	11 KAR 4:080		815 KAR 4:060
	11 KAR 5:145	198B.040	815 KAR 7:120
164.748	11 KAR 3:100		815 KAR 7:125
	11 KAR 4:080	198B.050	815 KAR 4:025
164.753	11 KAR 3:100		815 KAR 7:120
	11 KAR 4:080		815 KAR 7:125
	11 KAR 5:145	198B.060	815 KAR 7:120
164.769	11 KAR 4:080		815 KAR 7:125
164.772	201 KAR 22:020	198B.080	815 KAR 7:120
164.780	11 KAR 4:080		815 KAR 7:125
164.785	11 KAR 4:080	198B.110	815 KAR 7:120
164.7535	11 KAR 4:080		815 KAR 7:125
	11 KAR 5:145	198B.260	815 KAR 7:120
164.7871	11 KAR 15:090		815 KAR 7:125
164.7874	11 KAR 15:090	198B.400	815 KAR 4:010
164.7877	11 KAR 15:090	198B.400-540	815 KAR 4:025
164.7879	11 KAR 15:090	198B.470	815 KAR 4:010
164.7881	11 KAR 15:090	198B.480	815 KAR 4:010
164.7885	11 KAR 15:090		815 KAR 4:070
164.7889	11 KAR 5:145	198B.500	815 KAR 4:010
	11 KAR 15:090	198B.510	815 KAR 4:010
164.7890	11 KAR 4:080	198B.520	815 KAR 4:070
171.420	725 KAR 1:061	198B.540	815 KAR 4:010
171.450	725 KAR 1:061	198B.650	815 KAR 8:030
175.450	601 KAR 1:018	198B.654	815 KAR 8:007
177.390-177.570	601 KAR 1:018	198B.656	815 KAR 8:030
177.0734-177.0738	603 KAR 4:035	198B.658	815 KAR 8:030
177.9771	601 KAR 1:018	198B.662	815 KAR 8:030
186.010	601 KAR 1:018	198B.664	815 KAR 8:030
186.050	601 KAR 1:018	198B.676	815 KAR 8:007
186.412	502 KAR 13:010	198B.700	815 KAR 6:010
	502 KAR 13:040	198B.704	815 KAR 6:050

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	815 KAR 6:050	211.490	902 KAR 28:010
198B.710	815 KAR 6:050		902 KAR 28:020
198B.712	815 KAR 6:010		902 KAR 28:030
198B.714	815 KAR 6:010		902 KAR 28:040
198B.716	815 KAR 6:010		902 KAR 28:050
198B.722	815 KAR 6:010		902 KAR 28:060
198B.724	815 KAR 6:010	211.492	902 KAR 28:010
198B.990	815 KAR 7:120		902 KAR 28:020
	815 KAR 7:125		902 KAR 28:030
198B.4003	815 KAR 4:030		902 KAR 28:040
	815 KAR 4:040		902 KAR 28:050
198B.4005	815 KAR 4:070		902 KAR 28:060
198B.4009	815 KAR 4:030	211.494	902 KAR 28:010
	815 KAR 4:040		902 KAR 28:020
	815 KAR 4:050		902 KAR 28:030
	815 KAR 4:060		902 KAR 28:040
	815 KAR 4:070		902 KAR 28:050
198B.4011	815 KAR 4:030		902 KAR 28:060
	815 KAR 4:050	211.496	902 KAR 28:010
	815 KAR 4:060		902 KAR 28:020
	815 KAR 4:070		902 KAR 28:030
198B.4013	815 KAR 4:040		902 KAR 28:040
	815 KAR 4:050		902 KAR 28:050
	815 KAR 4:060		902 KAR 28:060
	815 KAR 4:070	211.842-852	902 KAR 100:019
198B.4017	815 KAR 4:070		902 KAR 100:022
198B.4019	815 KAR 4:070		902 KAR 100:040
198B.4021	815 KAR 4:070		902 KAR 100:042
198B.4023	815 KAR 4:030		902 KAR 100:100
	815 KAR 4:040		902 KAR 100:142
	815 KAR 4:050	211.990	902 KAR 100:019
	815 KAR 4:060		902 KAR 100:022
	815 KAR 4:070		902 KAR 100:040
198B.4025	815 KAR 4:030		902 KAR 100:042
	815 KAR 4:040		902 KAR 100:100
	815 KAR 4:050		902 KAR 100:142
	815 KAR 4:060	214.034	702 KAR 1:160
198B.4027	815 KAR 4:030	214.036	702 KAR 1:160
199.011	922 KAR 1:490	214.615	201 KAR 8:562
199.462	922 KAR 1:490		201 KAR 22:020
199.896	922 KAR 2:240	216	603 KAR 7:080
199.8941	922 KAR 2:240	216.557	921 KAR 2:015
199.8982	922 KAR 2:240	216.750	921 KAR 2:015
200.151	922 KAR 2:240	216.2920-216.2929	900 KAR 7:030
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202B	603 KAR 7:080	216.2925	900 KAR 7:040
205	603 KAR 7:080	216B.010	900 KAR 6:075
205.010	921 KAR 2:040		900 KAR 6:125
205.200	921 KAR 2:040	216B.010-130	900 KAR 6:080
205.220	921 KAR 2:050	216B.010-216B.131	921 KAR 2:015
205.245	921 KAR 2:040	216B.015-216B.130	900 KAR 6:030
	921 KAR 2:050	215B.040	900 KAR 6:125
205.560	907 KAR 1:018	216B.095	900 KAR 6:075
205.561	907 KAR 1:018	216B.330-339	900 KAR 6:080
205.712	105 KAR 1:190	216B.455	900 KAR 6:075
205.745	103 KAR 3:010		900 KAR 6:030
205.5631	907 KAR 1:018		900 KAR 6:080
205.5632	907 KAR 1:018	216B.990	900 KAR 6:075
205.5634	907 KAR 1:018		900 KAR 6:030
205.5636	907 KAR 1:018		900 KAR 6:080
205.5638	907 KAR 1:018	217	201 KAR 2:170
205.5639	907 KAR 1:018	217B	302 KAR 29:061E
205.6316	907 KAR 1:018	217.015	907 KAR 1:018
209	603 KAR 7:080	219.310-219.410	902 KAR 15:020
209.020	921 KAR 2:015	219.991	902 KAR 15:020
209.160	103 KAR 3:010	222.003	908 KAR 1:310
210	603 KAR 7:080	222.005	908 KAR 1:310
210.710	908 KAR 3:050	222.221	908 KAR 1:310
	908 KAR 3:060	222.231	908 KAR 1:310
210.720	908 KAR 3:050	222.271	908 KAR 1:310
	908 KAR 3:060	222.990	908 KAR 1:310
210.730	908 KAR 3:050	224.01	401 KAR 42:005
	908 KAR 3:060		401 KAR 42:020

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	401 KAR 42:080		201 KAR 27:016
	401 KAR 47:205		201 KAR 27:017
224.01-310	103 KAR 3:010		201 KAR 27:100
	103 KAR 3:020	229.131	201 KAR 27:011
224.01-400	401 KAR 42:250		201 KAR 27:012
224.01-405	401 KAR 42:250		201 KAR 27:016
224.10	401 KAR 42:005		201 KAR 27:017
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