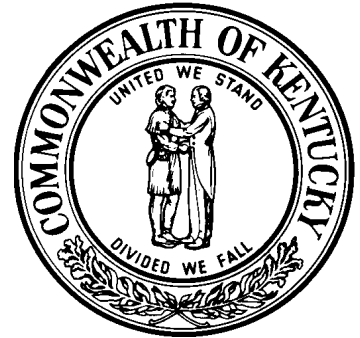


ADMINISTRATIVE REGISTER OF KENTUCKY



LEGISLATIVE RESEARCH COMMISSION
Frankfort, Kentucky

VOLUME 41, NUMBER 9
SUNDAY, MARCH 1, 2015

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon, February 13, 2015.

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MEETING NOTICE: ARRS

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet March 10, 2015, at 10:00 a.m. in room 149 Capitol Annex. See **tentative agenda** on pages **1955-1956** of this Administrative Register.

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 2014 Edition of **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE**.

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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, MARCH 10, 2015, at 10:00 a.m., Room 149 Capitol Annex**

PERSONNEL BOARD

Board

101 KAR 1:325. Probationary periods.

**FINANCE AND ADMINISTRATION CABINET
Department of Revenue
Office of Income Taxation**

Forms

103 KAR 3:040 & E. Income Tax Forms Manual. ("E" expires 6/29/2015)
Office of the Secretary

Kentucky Private Activity Bond Allocation Committee

200 KAR 15:010 & E. Formula for allocation of private activity bonds. ("E" expires 6/17/2015)

**GENERAL GOVERNMENT CABINET
Board of Nursing**

Board

201 KAR 20:057. Scope and standards of practice of advanced practice registered nurses.
Board of Licensure for Occupational Therapy

Board

201 KAR 28:010. Definitions and abbreviations. (Deferred from January)
201 KAR 28:020. General provisions. (Deferred from January)
201 KAR 28:030. Short-term practice of occupational therapy for persons practicing under KRS 319A.090(1)(e). (Deferred from January)
201 KAR 28:060. Requirements for licensure. (Deferred from January)
201 KAR 28:070. Examination. (Deferred from January)
201 KAR 28:090. Renewals. (Deferred from January)
201 KAR 28:110. Fees. (Deferred from January)
201 KAR 28:130. Supervision of occupational therapy assistants, occupational therapy aides, occupational therapy students, and temporary permit holders. (Deferred from January)
201 KAR 28:140. Code of ethics and unprofessional conduct. (Deferred from January)
201 KAR 28:170. Deep physical agent modalities. (Deferred from January)
201 KAR 28:180. Temporary permits. (Deferred from January)
201 KAR 28:200. Continuing competence. (Deferred from January)
201 KAR 28:220. Per diem of board members. (Deferred from January)

Real Estate Appraisers Board

Board

201 KAR 30:030. Types of appraisers required in federally related transactions; certification and licensure.
201 KAR 30:040. Standards of practice.
201 KAR 30:190. Educational requirements for certification.
201 KAR 30:200. Reciprocity requirements for applicants licensed or certified in another state.

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources**

Game

301 KAR 2:132. Elk quota hunts, elk depredation permits, landowner cooperator permits, and voucher cooperator permits.
301 KAR 2:172. Deer hunting seasons, zones, and requirements.
301 KAR 2:176. Deer control tags, deer destruction permits, and landowner designees.
301 KAR 2:178. Deer hunting on Wildlife Management Areas, state parks, other public lands, and federally controlled areas.

Hunting and Fishing

301 KAR 3:100. Special commission permits.

**Department of Agriculture
Office of Consumer Protection**

Egg Marketing

302 KAR 10:110. Egg lot consolidation.

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections**

Office of the Secretary

501 KAR 6:020. Corrections policies and procedures.
501 KAR 6:070. Kentucky Correctional Institution for Women.

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

School Administration and Finance

702 KAR 3:320. Finance officer certification requirements. (Comments Received)

Instructional Programs

705 KAR 4:250. Energy technology engineering career pathway. (Amended After Comments)(Deferred from January)

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**CABINET FOR HEALTH AND FAMILY SERVICES
Office of Health Policy**

Data Reporting and Public Use Data Sets

900 KAR 7:030 & E. Data reporting by health care providers. ("E" expires 6/29/2015)

**Office of Inspector General
Division of Health Care**

Health Services and Facilities

902 KAR 20:091. Facilities specifications, operation and services; community mental health center.

902 KAR 20:400. Limited services clinics.

**Department for Medicaid Services
Division of Community Alternatives**

Medicaid Services

907 KAR 1:044. Coverage provisions and requirements regarding community mental health center behavioral health services.

907 KAR 1:045 & E. Reimbursement provisions and requirements regarding community mental health center services. ("E" expires 6/29/2015)

907 KAR 1:046. Community mental health center primary care services.

907 KAR 1:102. Advanced practice registered nurse services.

Division of Provider Operations

Payment and Services

907 KAR 3:017 & E. Enhanced reimbursement for preventive and wellness services. ("E" expires 6/29/2015)

Division of Policy and Operations

Hospital Service Coverage and Reimbursement

907 KAR 10:825. Diagnosis-related group (DRG) inpatient hospital reimbursement. (Amended After Comments) (Deferred from April)

**Department for Behavioral Health, Developmental and Intellectual Disabilities
Division for Behavioral Health**

Mental Health

908 KAR 2:220 & E. Adult peer support specialist. ("E" expires 7/6/2015)

908 KAR 2:230 & E. Kentucky family peer support specialist. ("E" expires 7/6/2015)

908 KAR 2:260 & E. Targeted case manager: eligibility and training. ("E" expires 7/6/2015)

**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 6/28/2015)

REMOVED FROM MARCH 2015 AGENDA

**TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers**

Motor Carriers

601 KAR 1:112 & E. Transportation network company. ("E" expires 7/1/2015) (Comments Received, SOC ext)

Office of the Secretary

Kentucky Bicycle and Bikeways Commission

Motorcycle and Bicycle Safety

601 KAR 14:020. Bicycle safety standards. (Not Amended After Comments) (Deferred from June)

**Department of Highways
Division of Maintenance**

Billboards

603 KAR 10:001. Definitions. (Amended After Comments) (Deferred from May)

603 KAR 10:010. Static advertising devices. (Amended After Comments) (Deferred from May)

603 KAR 10:020. Electronic advertising devices. (Amended After Comments) (Deferred from May)

603 KAR 10:030. Removal of vegetation related to advertising devices. (Amended After Comments) (Deferred from May)

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

Supplemental Nutrition Assistance Program

921 KAR 3:060. Administrative disqualification hearings and penalties. (Comments Received, SOC ext)

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.

EMERGENCY ADMINISTRATIVE REGULATIONS

STATEMENT OF EMERGENCY
103 KAR 3:030E

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

STEVEN L. BESHEAR, Governor
THOMAS B. MILLER, Commissioner

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

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

RELATES TO: KRS 42.470, 61.870-61.884, 131.020, 131.030, 131.041-131.081, 131.110, 131.130, 131.155, 131.181, 131.183, 131.190, 131.340, 131.500, 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, 134.121, 134.122, 134.127, 134.128, 134.129, 134.420, 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)

EFFECTIVE: January 16, 2015

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 2015[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, 2014[2013]", 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 non-operating 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) 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~~[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.

(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, "2015[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 2015[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 ~~inform~~~~be used by~~ all commercial, passenger or cargo airlines conducting business in Kentucky of the requirement to provide the Department of Revenue with 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 2015[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, "2015[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, 2015[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, 2015[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, 2015[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", 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 61A211(IP), "Instructions For Editing the Public Service Company Motor Vehicle Printout", shall provide instructions for editing the computer printout of previously reported licensed vehicles sent by the Department of Revenue to public service companies that have listed vehicles with the department in prior years.

(55) 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.

(56) 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.

(57) 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.

(58) 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.

(59) 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".

(60) Revenue Form 61A500(P), "2015[2014] Personal Property Tax Forms and Instructions for Communications Service Providers and Multichannel 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.

(61) Revenue Form 61A500, "2015[2014] Tangible Personal Property Tax Return for Communications Service Providers and Multichannel Video Programming Service Providers", shall be filed by telecommunication, satellite, and cable television companies, reporting all tangible personal property with the Department of Revenue.

(62) 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.

(63) 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.

(64) 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.

(65) 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.

(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 Office[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 Office[Department] of Property Valuation Storage Cost Schedule", shall be filed by distilleries 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 61A508-S6, "Schedule 6 Industrial Revenue Bond Property", shall be filed with the Department of Revenue, reporting property purchased with an industrial revenue bond.

(73) 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.

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

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

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

(77) 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.

(78) 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.

(79) 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.

(80) 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.

(81) 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.

(82) 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.

(83) 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.

(84) Revenue Form 62A015, "2015[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.

(85) 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.

(86) 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 find the county clerk's compensation for making tax bills.

(87) 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.

(88) 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 property valuation administrator of the county in which the property is located.

(89) 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.

(90) 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.

(91) Revenue Form 62A200(P), "~~2015~~[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.

(92) Revenue Form 62A200, "~~2015~~[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.

(93) 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.

(94) 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.

(95) 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.

(96) 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.

(97) 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.

(98) 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.

(99) Revenue Form 62A301-S, "Omitted Real Estate Property Tax Bill" shall be used by the sheriff to inform taxpayers of an omitted real estate property tax liability.

(100) 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.

(101) Revenue Form 62A303, "Minutes of the Board of Assessment Appeals", shall be used by the county clerk to record the proceedings of the local board of assessment appeals, listing taxpayer information, description of property, property valuation administrator's assessment and amount of increase/decrease.

(102) Revenue Form 62A303-A, "Certification", shall be used by the county clerk to affirm that the minutes of the local board of assessment appeals is accurate.

(103) Revenue Form 62A303-B, "Summary of Appeals Filed With the County Board of Assessment Appeals", shall be used by the county clerk to list all appeals filed with the local board of assessment appeals, including the date and time the hearing has been scheduled.

(104) Revenue Form 62A303-C, "Justification for Decision of Local Board of Assessment Appeals", shall be used to list a justification of the decision of the local board of assessment appeals.

(105) 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".

(106)[(402)] 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".

(107)[(403)] 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.

(108)[(404)] 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.

(109)[(405)] 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.

(110)[(406)] 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.

(111)[(407)] 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.

(112)[(408)] 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.

(113)[(409)] 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.

(114)[(410)] 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.

(115)[(411)] 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.

(116)[(412)] 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.

~~(117)~~~~(143)~~ 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.

~~(118)~~~~(144)~~ 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.

~~(119)~~ Revenue Form 62A362-A, "Certification", shall be used by the sheriff to affirm that the list of delinquent personal property tax bills transferred to the county clerk is correct.

~~(120)~~~~(145)~~ 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.

~~(121)~~~~(146)~~ 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.

~~(122)~~~~(147)~~ 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.

~~(123)~~~~(148)~~ Revenue Form 62A365, "Nonresidency Affidavit", shall be filed as proof of nonresidency in Kentucky as of January 1, for ad valorem tax purposes.

~~(124)~~~~(149)~~ 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.

~~(125)~~~~(120)~~ 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.

~~(126)~~~~(124)~~ Revenue Form 62A366R, "Exoneration Form for Property Tax Refund", shall be filed by a taxpayer for refunds of property tax.

~~(127)~~~~(122)~~ 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.

~~(128)~~~~(123)~~ 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.

~~(129)~~~~(124)~~ 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.

~~(130)~~~~(125)~~ 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.

~~(131)~~~~(126)~~ 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.

~~(132)~~~~(127)~~ 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.

~~(133)~~~~(128)~~ 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 the third-party purchaser registers for the tax sale.

~~(134)~~~~(129)~~ 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.

~~(135)~~~~(130)~~ Revenue Form 62A371, "Attestation Form For Use When Taxpayer Cannot Make Contact With A Third Party Purchaser", shall be used by the taxpayer to attest to the county clerk that the taxpayer attempted to contact the third party purchaser in the manner specified by KRS 134.127(3)(e) and was unsuccessful.

~~(136)~~~~(131)~~ Revenue Form 62A372, "Sheriff's List of Orders Correcting Erroneous Assessments", shall be used by the sheriff to report all exoneration made to the tax bills by the property valuation administrator.

~~(137)~~~~(132)~~ Revenue Form 62A372-A, "Certification", shall be used by the sheriff to affirm that the list of exoneration is accurate.

~~(138)~~~~(133)~~ 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.

~~(139)~~~~(134)~~ 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.

~~(140)~~~~(135)~~ 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.

~~(141)~~~~(136)~~ Revenue Form 62A377, "In House Release of Third Party Purchaser Lien When Lien is Paid to Clerk", shall be used by the county clerk to release a certificate of delinquency when the certificate of delinquency has been paid by the taxpayer and the third party purchaser cannot be located.

~~(142)~~~~(137)~~ 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.

~~(143)~~~~(138)~~ 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.

~~(144)~~~~(139)~~ 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).

~~(145)~~~~(140)~~ 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.

~~(146)~~~~(141)~~ Revenue Form 62A384C(I) "Instructions to Complete Clay Property Tax Return", shall be used by owners and lessees of land containing mineable clay minerals to file Revenue Form 62A384C.

~~(147)~~~~(142)~~ 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.

~~(148)~~~~(143)~~ Revenue Form 62A384-G/O(I) "Gas/Oil," shall be used as a letter informing owners of natural gas and oil property of the responsibility to file, the filing deadline, and where to locate the forms.

~~(149)~~~~(144)~~ Revenue Form 62A384L, "Limestone and Sand and Gravel Property Tax Return", shall be filed with the Department of Revenue by persons owning or leasing limestone, sand or gravel properties reporting mineral location, type of mining and production in the last three (3) years.

~~(150)~~~~(145)~~ 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.

(151)[(146)] 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.

(152)[(147)] 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.

(153) Revenue Form 62A386, "Sheriff's Official Receipt for Additional/Supplemental Property Tax Bills", shall be used by the sheriff to acknowledge receipt of additional or supplemental property tax bills and to document the amount to be collected for each taxing district.

(154)[(148)] 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.

(155)[(149)] 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.

(156)[(150)] 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.

(157)[(151)] 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.

(158)[(152)] 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.

(159)[(153)] 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.

(160)[(154)] Revenue Form 62A500(P), "2015[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.

(161)[(155)] Revenue Form 62A500, "2015[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.

(162)[(156)] Revenue Form 62A500-A, "2015[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.

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

(164)[(158)] 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.

(165)[(159)] 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.

(166)[(160)] 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.

(167)[(161)] Revenue Form 62A500-W, "2015[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.

(168)[(162)] 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.

(169)[(163)] 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.

(170)[(164)] 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.

(171)[(165)] 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.

(172)[(166)] 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.

(173)[(167)] 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.

(174)[(168)] 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.

(175)[(169)] 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.

(176)[(170)] 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.

(177)[(171)] 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.

(178)[(172)] 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.

(179)[(173)] 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.

(180)[(174)] 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.

~~(181)~~~~(175)~~ 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.

~~(182)~~~~(176)~~ 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.

~~(183)~~~~(177)~~ 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.

~~(184)~~~~(178)~~ 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.

~~(185)~~~~(179)~~ 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.

~~(186)~~~~(180)~~ 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.

~~(187)~~~~(181)~~ 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 10A104, "Update Or Cancellation Of Kentucky Tax Account(s)", shall be used by taxpayers with a coal severance and processing tax account to update business information or to cancel the account.

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

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

(5) 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.

(6) 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Property tax - referenced material:

1. Revenue Form 61A200(P), "Property Tax Forms and Instructions for Public Service Companies 2015~~2014~~", November 2014~~October 2013~~;

2. Revenue Form 61A200, "Public Service Company Property Tax Return for Year Ending December 31, 2014~~2013~~", November 2014~~October 2013~~;

3. Revenue Form 61A200(A), "Report of Total Unit System and Kentucky Operations", November 2014~~October 2013~~;

4. Revenue Form 61A200(B), "Report of Kentucky Vehicles, Car Lines and Watercraft", November 2014~~October 2013~~;

5. Revenue Form 61A200(C), "Report of Total Unit Operations Balance Sheet", November 2014~~October 2013~~;

6. Revenue Form 61A200(D), "Report of Total Unit Operations Income Statement", November 2014~~October 2013~~;

7. Revenue Form 61A200(E), "Filing Extension Application", November 2014~~October 2013~~;

8. Revenue Form 61A200(G), "Report of Capital Stocks", November 2014~~October 2013~~;

9. Revenue Form 61A200(H), "Report of Funded Debt", November 2014~~October 2013~~;

10. Revenue Form 61A200(I), "Business Summary by Taxing Jurisdiction", November 2014~~October 2013~~;

11. Revenue Form 61A200(J), "Property Summary by Taxing Jurisdiction, Operating and Nonoperating Property", November 2014~~October 2013~~;

12. Revenue Form 61A200(K), "Operating Property Listing by Taxing Jurisdiction", November 2014~~October 2013~~;

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13. Revenue Form 61A200(K2), "Nonoperating [Nonoperating/Nonutility] Property Listing by Taxing Jurisdiction, November 2014[October 2013];
14. Revenue Form 61A200(L), "Report of Allocation Factors, Operating and Noncarrier Property for All Interstate Companies", November 2014[October 2013];
15. Revenue Form 61A200(M), "Report of Property and Business Factors for Interstate Railroad and Sleeping Car Companies", November 2014[October 2013];
16. Revenue Form 61A200(N1), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", November 2014[October 2013];
17. Revenue Form 61A200(N2), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", November 2014[October 2013];
18. Revenue Form 61A200(N3), "Summary Report of System and Kentucky Operating Lease Payments", November 2014[October 2013];
19. Revenue Form 61A200(O), "Railroad Private Car Mileage Report", November 2014[October 2013];
20. Revenue Form 61A200(Q), "Supplemental Report of Operations for Contained and Residential Landfills", November 2014[October 2013];
21. Revenue Form 61A200(R), "Report of Property Subject to the Pollution Control Tax Exemption", November 2014[October 2013];
22. Revenue Form 61A200(U), "Industrial Revenue Bond Property", November 2014[October 2013];
23. Revenue Form 61A202, "2015[2014] Public Service Company Property Tax Return for Railroad Car Line, November 2014[October 2013];
24. Revenue Form 61A206(P), "Public Service Company Property Tax Forms and Instructions for Commercial Air Passenger and Air Freight Carriers 2015[2014]", November 2014[October 2013];
25. Revenue Form 61A206, "Public Service Company Property Tax Return For Commercial Air Passenger and Air Freight Carriers", November 2014[October 2013];
26. Revenue Form 61A206(A), "Filing Extension Application for Public Service Company Property Tax Return", November 2014[October 2013];
27. Revenue Form 61A206(B), "Report of Kentucky Registered and Licensed Motor Vehicles", November 2014[October 2013];
28. Revenue Form 61A206(C), "Report of Financial Operations for Commercial Air Passenger and Air Freight Carriers", November 2014[October 2013];
29. Revenue Form 61A206(D-1), "Report of System Aircraft Fleet", November 2014[October 2013];
30. Revenue Form 61A206(D-2), "Report of System Aircraft Fleet", November 2014[October 2013];
31. Revenue Form 61A206(D-3), "Report of System Aircraft Fleet", November 2014[October 2013];
32. Revenue Form 61A206(E), "Report of Kentucky Flight Statistics By Airport", November 2014[October 2013];
33. Revenue Form 61A206(F), "Report of System and Kentucky Allocation Factors", November 2014[October 2013];
34. Revenue Form 61A206(G), "Report of Funded Debt", November 2014[October 2013];
35. Revenue Form 61A206(H), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", November 2014[October 2013];
36. Revenue Form 61A206(I), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", November 2014[October 2013];
37. Revenue Form 61A206(J), "Summary Report of System and Kentucky Operating Lease Payments", November 2014[October 2013];
38. Revenue Form 61A206(K), "Report of Owned Real Property Located in Kentucky By Taxing District", November 2014[October 2013];
39. Revenue Form 61A206(L), "Report of Owned Personal Property Located In Kentucky By Taxing District", November 2014[October 2013];
40. Revenue Form 61A206(M), "Summary Report of Total System and Kentucky Operations", November 2014[October 2013];
41. Revenue Form 61A206(N), "Industrial Revenue Bond Property", November 2014 [October 2013];
42. Revenue Form 61A206(O), "Public Service Company Sales", November 2014[October 2013];
43. Revenue Form 61A207(P), "Commercial Watercraft Personal Property Tax Return 2015[2014]", November 2014[October 2013];
44. Revenue Form 61A207, "2015[2014] Commercial Watercraft Personal Property Tax Return, November 2014[October 2013];
45. Revenue Form 61A207(A), "Report of Owned Vessels in Your Possession", November 2014[October 2013];
46. Revenue Form 61A207(B), "Report of Owned Vessels - in Possession of Others", November 2014[October 2013];
47. Revenue Form 61A207(C), "Report of Nonowned Vessels in Your Possession", November 2014[October 2013];
48. Revenue Form 61A207(D), "Commercial Watercraft Valuation Worksheet", November 2014[October 2013];
49. Revenue Form 61A207(E), "Report of Kentucky Route Miles", November 2014[October 2013];
50. Revenue Form 61A207(F), "Report of System Route Miles", November 2014[October 2013];
51. Revenue Form 61A209, "Public Service Company Sales", November 2014[October 2013];
52. Revenue Form 61A211, "Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs", November 2014[October 2013];
53. Revenue Form 61A211(I), "Instructions Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs", November 2014[October 2013];
54. Revenue Form 61A211(IP), "Instructions For Editing the Public Service Company Motor Vehicle Printout", November 2014[March 2013];
55. Revenue Form 61A230, "Notice of Assessment", February 2010;
56. Revenue Form 61A240, "Notice of Assessment", July 2011;
57. Revenue Form 61A250, "Notice of Assessment", August 2008;
58. Revenue Form 61A255, "Public Service Company Property Tax Statement", January 2012;
59. Revenue Form 61A255(I), "Instructions for 61A255, Public Service Company Property Tax Statement", July 2008;
60. Revenue Form 61A500(P), "2015[2014] Personal Property Tax Forms and Instructions for Communications Service Providers and Multichannel Video Programming Service Providers, November 2014[October 2013];
61. Revenue Form 61A500, "2015[2014] Tangible Personal Property Tax Return for Communications Service Providers and Multichannel Video Programming Service Providers, November 2014[October 2013];
62. Revenue Form 61A500(H), "Report of Total Personal Tangible Property in Kentucky", November 2014[October 2013];
63. Revenue Form 61A500(I), "Summary of Gross Personal Tangible Property Listing by Taxing District", November 2014[October 2013];
64. Revenue Form 61A500(J), "Summary of Reported Personal Tangible Property Listing by Taxing District", November 2014[October 2013];
65. Revenue Form 61A500(K), "Personal Tangible Property Listing by Taxing District", November 2014[October 2013];
66. Revenue Form 61A508, "Annual Report of Distilled Spirits in Bonded Warehouse", November 2014[October 2013];
67. Revenue Form 61A508-S1, "Schedule 1 Office[Department] of Property Valuation Cost of Production Schedule", November 2014[October 2013];
68. Revenue Form 61A508-S2, "Schedule 2 Office[Department] of Property Valuation Storage Cost Schedule", November 2014[October 2013];
69. Revenue Form 61A508-S3, "Schedule 3 Schedule of Bulk Sales", November 2014[October 2013];

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70. Revenue Form 61A508-S4, "Schedule 4", November 2014[October-2013];

71. Revenue Form 61A508-S5, "Schedule 5", November 2014[October-2013];

72. Revenue Form 61A508-S6, "Schedule 6 Industrial Revenue Bond Property", November 2014[October-2013];

73. Revenue Form 61A509, "Distilled Spirits or Telecoms Property Tax Statement", January 2012;

74. Revenue Form 61F007, "Notification Protesting Your Commercial Watercraft Assessment", July 2011;

75. Revenue Form 61F008, "Notification Protesting Your Assessment", July 2011;

76. Revenue Form 61F009, "Notification Protesting Your Assessment", July 2011;

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

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

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

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

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

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

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

84. Revenue Form 62A015, "2015[2014] Motor Vehicle and Watercraft Property Tax Rate Certification", 2014[2013];

85. Revenue Form 62A016, "Quietus", 2014[2012];

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

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

88. Revenue Form 62A023, "Application for Exemption from Property Taxation", July 2013;

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

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

91. Revenue Form 62A200(P), "2015[2014] Unmined Coal Property Tax Information Return", December 2014[2013];

92. Revenue Form 62A200, "2015[2014] Unmined Coal Property Tax Information Return", December 2014[2013];

93. Revenue Form 62A200, "Schedule A Fee Property Ownership", December 2014[2013];

94. Revenue Form 62A200, "Schedule B Leased Property", December 2014[2013];

95. Revenue Form 62A200, "Schedule C Property or Stock Transfers", December 2014[2013];

96. Revenue Form 62A200, "Schedule D Lease Terminations, Transfers or Assignments", December 2014[2013];

97. Revenue Form 62A200, "Schedule E Farm Exception to Unmined Minerals Tax", December 2014[2013];

98. Revenue Form 62A200, "Schedule F Geological Information by County", December 2014[2013];

99. Revenue Form 62A301-S, "Omitted Real Estate Property Tax Bill", January 2013;

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

101. Revenue Form 62A303, "Minutes of the Board of Assessment Appeals", July 2014;

102. Revenue Form 62A303-A, "Certification", July 2014;

103. Revenue Form 303-B, "Summary of Appeals Filed With the County Board of Assessment Appeals", July 2014;

104. Revenue Form 303-C, "Justification For Decision of Local Board of Assessment Appeals", July 2014;

105. Revenue Form 62A304, "Property Valuation Administrator's Recapitulation of Real Property Tax Roll", July 2014[December-2008];

106.[402-] Revenue Form 62A305, "Property Valuation Administrator's Summary of Real Property Tax Roll Changes

(Since Recapitulation)", July 2014[December-2008];

107.[403-] Revenue Form 62A307, "Property Owner Conference Record", September 2005;

108.[404-] Revenue Form 62A323, "Record of Additions and Deletions", July 2014[December-2008];

109.[405-] Revenue Form 62A329, "Annual Report of Domestic Life Insurance Companies", June 2014[August-2010];

110.[406-] Revenue Form 62A350, "Application for Exemption Under the Homestead/Disability Amendment", December 2011;

111.[407-] Revenue Form 62A352, "Notice to Real Property Owner of Assessment by Property Valuation Administrator", April 2005;

112.[408-] Revenue Form 62A353, "Notice of Listing of Omitted Real Property", September 2005;

113.[409-] Revenue Form 62A354, "Notice to Property Owner of Final Decision of Board of Assessment Appeals", July 2014[August-2006];

114.[410-] Revenue Form 62A358, "Receipt for Transferring Delinquent Property Tax Bills From the Sheriff to the County Clerk", December 2009;

115.[411-] Revenue Form 62A358-S, "Supplemental Receipt to Document Timely Postmarked Payments Received After the Delinquent Tax Bill Transfer Date", March 2010;

116.[412-] Revenue Form 62A359, "Sheriff's Report of Real Property Tax Bills Transferred to the County Clerk", December 2009;

117.[413-] Revenue Form 62A360, "Order Correcting Erroneous Assessment", 2011;

118.[414-] Revenue Form 62A362, "Sheriff's Report of Delinquent Personal Property Tax Bills Transferred to the County Clerk", July 2014[December-2012];

119. Revenue Form 62A362(A), "Certification", July 2014;

120.[415-] Revenue Form 62A363, "County Clerk's Claim for Preparing Tax Bills", July 2014[December-2007];

121.[416-] Revenue Form 62A363-B, "County Clerk's Claim for Preparing Omitted Tax Bills", July 2014[December-2007];

122.[417-] Revenue Form 62A364, "County Clerk's Monthly Report of Omitted Assessments", July 2014[February-2006];

123.[418-] Revenue Form 62A365, "Nonresidency Affidavit", January 2012;

124.[419-] Revenue Form 62A366, "Order Correcting Erroneous Assessment", December 2013;

125.[420-] Revenue Form 62A366-D, "Order Correcting Erroneous Delinquent Assessment", July 2014[December-2013];

126.[421-] Revenue Form 62A366R, "Exoneration Form for Property Tax Refund", December 2013;

127.[422-] Revenue Form 62A367, "Authorization for Preparing Additional/Supplemental Property Tax Bills", July 2014[December-2008];

128.[423-] Revenue Form 62A367-A, "Instructions for Preparation of Additional/Supplemental Tax Bills and Official Receipt", July 2014[November-2011];

129.[424-] Revenue Form 62A368-A, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;

130.[425-] Revenue Form 62A368-B, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;

131.[426-] Revenue Form 62A369, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;

132.[427-] Revenue Form 62A369-A, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;

133.[428-] Revenue Form 62A370, "Kentucky Department of Revenue Certificate of Registration", November 2009;

134.[429-] Revenue Form 62A370A, "Kentucky Department of Revenue Application for Certificate of Registration to Purchase Certificates of Delinquency", October 2013[2011];

135.[430-] Revenue Form 62A371, "Attestation Form For Use When Taxpayer Cannot Make Contact With A Third Party Purchaser", January 2013;

136.[431-] Revenue Form 62A372, "Sheriff's List of Orders Correcting Erroneous Assessments", February 2006;

137.[432-] Revenue Form 62A372-A, "Certification", February 2006;

138.[433-] Revenue Form 62A373, "Certificate of Transfer for

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Property Tax Payment", January 2010;

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

140.[135.] Revenue Form 62A375, "Release of Certificate of Delinquency Assigned to a Third Party", February 2011;

141.[136.] Revenue Form 62A377, "In House Release Of Third Party Purchaser Lien When Lien Is Paid To Clerk", January 2013;

142.[137.] Revenue Form 62A378, "Report of Mobile Homes and Recreational Vehicles Not Registered in this State", August 2013;

143.[138.] Revenue Form 62A379, "Listing of Omitted Real Property", December 2014[2013];

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

145.[140.] Revenue Form 62A384C, "Clay Property Tax Return", January 2013;

146.[141.] Revenue Form 62A384C(I), "Instructions to Complete Clay Property Tax Return", January 2014;

147.[142.] Revenue Form 62A384-G, "Natural Gas Property Tax Return", January 2013;

148.[143.] Revenue Form 62A384-G/O(I), "Gas/Oil", January 2015[2014];

149.[144.] Revenue Form 62A384L, "Limestone and Sand and Gravel Property Tax Return", January 2015[2014];

150.[145.] Revenue Form 62A384-O, "Oil Property Tax Return Lease Report", January 2013;

151.[146.] Revenue Form 62A385, "Sheriff's Official Receipt for Property Tax Bills", July, 2014[February-2006];

152.[147.] Revenue Form 62A385-A, "Sheriff's Receipt for Unpaid and Partially Paid Tax Bills", July 2014[February-2006];

153. Revenue Form 62A386, "Sheriff's Official Receipt For Additional/Supplemental Property Tax Bill(s)", July 2014;

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

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

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

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

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

159.[153.] Revenue Form 62A398, "Property Valuation Administrator's Bond", September 2014[2010];

160.[154.] Revenue Form 62A500(P), "2015[2014] Personal Property Tax Forms and Instructions", November 2014[2013];

161.[155.] Revenue Form 62A500, "2015[2014] Tangible Personal Property Tax Return", November 2014[2013];

162.[156.] Revenue Form 62A500-A, "2015[2014] Tangible Personal Property Tax Return (Aircraft Assessments Only)", November 2014[2013];

163.[157.] Revenue Form 62A500-C, "Consignee Tangible Personal Property Tax Return", November 2014[2013];

164.[158.] Revenue Form 62A500-L, "Lessee Tangible Personal Property Tax Return", November 2014[2013];

165.[159.] Revenue Form 62A500-M1, "Boat Dealer's Used Inventory Listing for Line 31 Tangible Personal Property Tax Return", November 2014[2013];

166.[160.] Revenue Form 62A500-S1, "Automobile Dealer's Inventory Listing for Line 34 Tangible Personal Property Tax Return", November 2014[2013];

167.[161.] Revenue Form 62A500-W, "2015[2014] Tangible Personal Property Tax Return (Documented Watercraft)", November 2014[2013];

168.[162.] Revenue Form 62A600, "Domestic Savings and Loan Tax Return", August 2013;

169.[163.] Revenue Form 62A601, "Foreign Savings and Loan Tax Return", August 2013;

170.[164.] Revenue Form 62A601-S2, "Schedule B, Computation of Exempt Securities", August 2013;

171.[165.] Revenue Form 62A850, "Bank Deposits Tax

Return", August 2013;

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

173.[167.] Revenue Form 62A863, "Financial Institutions Local Deposits Summary Report", November 2014[August 2013];

174.[168.] Revenue Form 62A863-A, "Schedule A, Summary of Net Deposits", August 2013;

175.[169.] Revenue Form 62A880, "Personal Property Assessment", October 2004;

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

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

178.[172.] Revenue Form 62B012, "Oil Assessment Notice", July 2006;

179.[173.] Revenue Form 62B013, "Clay Assessment Notice", July 2006;

180.[174.] Revenue Form 62B015, "Gas Assessment Notice", July 2006;

181.[175.] Revenue Form 62F003, "Appeals Process for Real Property Assessments", September 2014[May-2009];

182.[176.] Revenue Form 62F015, "PVA Open Records Commercial Fee Guidelines", August 2012;

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

184.[178.] Revenue Form 62F200, "Important Reminder", January 2015[2014];

185.[179.] Revenue Form 62F384-G, "Important Reminder", January 2015[2014];

186.[180.] Revenue Form 62F500, "Important Reminder", January 2015[December 2013]; and

187.[181.] Revenue Form 62F1341, "Exemptions Allowed for Savings and Loans, Savings Banks and Similar Institutions for Intangible Property Tax Purposes", August 2011; and

(b) Severance taxes - referenced material:

1. Revenue Form 10A100, "Kentucky Tax Registration Application", July 2013;

2. Revenue Form 10A104, "Update or Cancellation of Kentucky Account(s)", June 2011;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. Revenue Form 56A112, "Crude Petroleum Transporter's

Monthly Report, Kentucky Oil Production Tax", July 2004;

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

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

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

THOMAS B. MILLER, Commissioner

APPROVED BY AGENCY: December 30, 2014

FILED WITH LRC: January 16, 2015 at noon

CONTACT PERSON: Lisa Swiger, Staff Assistant, Office of General Counsel, Finance and Administration Cabinet, 501 High Street, Frankfort, Kentucky 40601, phone (502) 564-9526, fax (502) 564-2541.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Lisa Swiger

(1) Provide a brief summary of:

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

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

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

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

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

(a) How the amendment will change this existing administrative regulation: This amendment contains tax forms to be used for tax year 2015.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update tax forms for the tax year 2015.

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

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide taxpayers with the necessary tax forms to file and pay personal tangible and public service property taxes for tax years beginning in 2015.

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

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: As forms are changed, the manuals and the Department of Revenue Website in which copies of all forms listed in this regulation are maintained will be updated.

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

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

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

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

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

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

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation does not require an increase in fees or funding.

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

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

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. 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 Finance and Administration Cabinet, Department of Revenue, Office of Property Valuation, Division of Local Support, Division of State Valuation and Division of Minerals Taxation and GIS Services.

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

3. 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? 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 administrative cost will be absorbed in the normal operating cost of the Department.

(d) How much will it cost to administer this program for subsequent years? The administrative cost will be absorbed in the normal operating budget of the Department.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**STATEMENT OF EMERGENCY
201 KAR 21:090E**

This emergency regulation amends the current course of instruction for the required two (2) year prechiropractic coursework for applicants who wish to be licensed to practice chiropractic in the Commonwealth of Kentucky. This emergency regulation must be placed into effect immediately in order not to prohibit those applicants who will be graduating or who have recently graduated from chiropractic colleges from obtaining chiropractic licensure in the Commonwealth of Kentucky. The Board of Chiropractic Examiners has issued far fewer new licenses in the past two years and this number continues to drop since there are fewer doctors graduating from the chiropractic colleges. This causes a decrease in availability of chiropractic services to the people of the Commonwealth. In addition to fewer graduates, because this language is not consistent with the current Council on Chiropractic Education requirements for entrance into chiropractic colleges, several outstanding doctors have not been able to attain licensure in Kentucky due to the inconsistencies. In these instances, doctors of chiropractic who would prefer to do business in and serve the people of Kentucky must go elsewhere to open practices. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.

STEVEN L. BESHEAR, Governor
MARK WOODWARD, D.C., Chair

**GENERAL GOVERNMENT CABINET
Kentucky Board of Chiropractic Examiners
(Emergency Amendment)**

**201 KAR 21:090E.[Coursework for two (2) year]
Prechiropractic education requirements.**

RELATES TO: KRS 312.019, 312.085

STATUTORY AUTHORITY: KRS 312.019(2), (9)(h), 312.085(2)

EFFECTIVE: February 10, 2015

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(2) requires [and KRS 312.085 provide that] the board to pass upon the qualifications of applicants for a license to practice chiropractic. KRS 312.019(9)(h) and 312.085(2) authorize the board to[may] establish by administrative regulation a two (2) year prechiropractic course of instruction to be completed prior to entry into chiropractic college. This administrative regulation establishes that course of instruction.

Section 1. Prechiropractic Education. An applicant for licensure shall have satisfactorily completed, prior to attending chiropractic college, and as a part of the applicant's[his] required minimal sixty (60) semester credit hours of prechiropractic education, the[following] course of instruction established and required by the Council on Chiropractic Education[- (1) English or communicative skills, six (6) semester hours of any college level courses in the English department or Speech, Literature and Mass Communications;

(2) Psychology, three (3) semester hours;

(3) Social sciences and humanities, three (3) semester hours;

(4) Biological science with related laboratories, six (6) semester hours;

(5) Chemistry, twelve (12) semester hours, which shall include the following:

(a) At least three (3) semester hours of General/Inorganic Chemistry;

(b) At least six (6) semester hours of Organic Chemistry and/or Biochemistry; and

(c) At least six (6) semester hours of the required twelve (12) semester hours of Chemistry must include pertinent related laboratories; and

~~(6) Physics and related studies, six (6) semester hours, which must include the following:~~

~~(a) At least three (3) semester hours of Physics with related laboratory; and~~

~~(b) At least three (3) semester hours of additional Physics, Biomechanics, Kinesiology, Statistics or Exercise Physiology (no laboratory required)].~~

MARK WOODWARD, D.C., President

APPROVED BY AGENCY: January 28, 2015

FILED WITH LRC: February 10, 2015 at 4 p.m.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Karalee Oldenkamp, D.C.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation specifies the prechiropractic coursework which must be completed prior to entry into chiropractic college by any applicant seeking licensure to practice chiropractic in the Commonwealth of Kentucky.

(b) The necessity of this administrative regulation: The necessity of this regulation is to ensure that licensees are properly educated and prepared to enter a chiropractic college.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The board is given the authority by statute to promulgate administrative regulations to establish a recommended course of instruction to be completed prior to entry into a chiropractic college.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation outlines the prechiropractic education required in order to obtain licensure in the Commonwealth of 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 amended administrative regulation removes the specific courses which were previously required by the Council on Chiropractic Education for entry into a chiropractic college. These specific courses have changed and alternate ways of acceptance have been included which has, therefore, caused applicants to be able to attend and graduate from a chiropractic college, but be denied licensure in the Commonwealth of Kentucky. The changes to this regulation remove the specific coursework and refer directly to meeting the requirements set forth by the Council on Chiropractic Education, the entity which grants accreditation to the chiropractic colleges.

(b) The necessity of the amendment to this administrative regulation: This amendment to the current administrative regulation is necessary to prevent qualified applicants from being denied licensure in the Commonwealth of Kentucky.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statute by establishing a recommended course of instruction to be completed prior to entry into a chiropractic college.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation will clearly define the prechiropractic education requirements for licensure in the Commonwealth of Kentucky and bring these requirements into alignment with the current requirements of the chiropractic colleges. By bringing the course of instruction required by Kentucky into alignment with the chiropractic colleges, it will reduce the amount of time the board staff spends inspecting transcripts and it will reduce time spent by the board in reviewing, denying and explaining why an applicant would not qualify for licensure in Kentucky due to outdated prechiropractic education requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation directly impacts the approximately sixty (60) applicants for chiropractic licensure in the Commonwealth of Kentucky the board receives each year.

(4) Provide an analysis 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 in question (3) will have to take to comply with this administrative regulation or amendment: All applicants are required to complete the prechiropractic education as set forth in this administrative regulation. By updating the requirements, the applicants will be favorably impacted and more qualified chiropractors will be able to obtain licensure to practice chiropractic in the Commonwealth of Kentucky.

(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 obtaining the prechiropractic coursework will vary based on the institution at which the applicant takes the course of instruction.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, the applicants will have completed the prechiropractic education required for obtaining a license to practice chiropractic in the Commonwealth. Since the amended requirements are being brought into alignment with the Council of Chiropractic Education requirements, students entering chiropractic colleges will be able to consider licensure and practice of chiropractic in Kentucky without specific additional coursework prior to entrance into a chiropractic college.

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

(a) Initially: No additional cost is foreseen for the implementation of this administrative regulation.

(b) On a continuing basis: No additional cost is foreseen on a continuing basis for the implementation of this administrative regulation.

(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 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 increase in fees will be necessary to implement this amended regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amended administrative regulation does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not applied as the criteria apply equally to all applicants for licensure in the Commonwealth of Kentucky.

N/A

(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 (+/-):

Expenditures (+/-):

Other Explanation:

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. 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?

Board of Chiropractic Examiners

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS Chapter 13A, KRS 312.019(9)(h), KRS 312.085(2)

3. 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?

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY
AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

EDUCATION PROFESSIONAL STANDARDS BOARD
(As Amended at ARRS, February 9, 2015)

16 KAR 6:010. Examination prerequisites for teacher certification.

RELATES TO: KRS 161.020, 161.028(1), 161.030(3), (4)

STATUTORY AUTHORITY: KRS 161.028(1)(a), 161.030(3),

(4) NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1)(a) authorizes the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.030(3) and (4) ~~require~~**[requires]** the Education Professional Standards Board to select the appropriate assessments required prior to teacher certification. This administrative regulation establishes the examination prerequisites for teacher certification.

Section 1. A teacher applicant for certification shall successfully complete the applicable tests identified in this administrative regulation prior to Kentucky teacher certification.

Section 2. The Education Professional Standards Board shall require the test or tests and passing scores identified in this section for each new teacher applicant and each teacher seeking an additional certificate. (1) An applicant for Interdisciplinary Early Childhood Education certification (birth to primary) shall take one (1) of the following tests and achieve the corresponding passing score or higher:

(a) "Interdisciplinary Early Childhood Education (0023)" - 166;

or

(b) "Interdisciplinary Early Childhood Education (5023)" - 166.

(2) An applicant for Elementary certification (grades P-5) shall take "Elementary Education: Multi-Subjects Test (5031)" with the following passing scores on the corresponding test sections:

(a) Until August 31, 2015:

1. "Reading and Language Arts (5032)" - 165;

2. ~~[(b)]~~ "Mathematics (5033)" - 164;

3. ~~[(e)]~~ "Social Studies (5034)" - 155; and

4. ~~[(d)]~~ "Science (5035)" - 159; and

(b) Beginning September 1, 2015:

1. "Elementary Education: Reading and Language Arts (5002)" - 157;

2. "Elementary Education: Mathematics (5003)" - 157;

3. "Elementary Education: Social Studies (5004)" - 155; and

4. "Elementary Education: Science (5005)" - 159.

(3) An applicant for certification at the middle school level (grades 5 through 9) shall take the content test or tests based on the applicant's content area or areas with the corresponding passing scores as identified in this subsection:

(a) Middle School English and Communications: ~~[1. Until August 31, 2014:~~

a. "Middle School English Language Arts (0049)" - 158; or

b. "Middle School English Language Arts (5049)" - 158; or

2. ~~Beginning September 1, 2014,~~ "Middle School English Language Arts (5047)" - 164;

(b) Middle School Mathematics: ~~[1. Until August 31, 2014,~~

"Middle School Mathematics (0069)" - 148; or

2. ~~Beginning September 1, 2014,~~ "Middle School Mathematics

(5169)" - 165;

(c) Middle School Science:

1. Until August 31, 2015, "Middle School Science (0439)" - 144; or

2. Beginning September 1, 2015, "Middle School Science (5440)" - 150; or

(d) Middle School Social Studies:

1. "Middle School Social Studies (0089)" - 149; or

2. "Middle School Social Studies (5089)" - 149.

(4) An applicant for certification at the secondary level (grades 8 through 12) shall take the content test or tests corresponding to the applicant's content area or areas with the passing scores identified in this subsection:

(a) Biology:

1. "Biology: Content Knowledge (0235)" - 146; or

2. "Biology: Content Knowledge (5235)" - 146;

(b) Chemistry:

1. "Chemistry: Content Knowledge (0245)" - 147; or

2. "Chemistry: Content Knowledge (5245)" - 147;

(c) Earth Science:

1. "Earth and Space Sciences: Content Knowledge (0571)" - 147; or

2. "Earth and Space Sciences: Content Knowledge (5571)" - 147;

(d) English: ~~[1. Until August 31, 2014:~~

a. "English Language, Literature and Composition: Content and Analysis (0044)" - 166; or

b. "English Language, Literature and Composition: Content and Analysis (5044)" - 166; or

2. ~~Beginning September 1, 2014,~~ "English Language Arts: Content and Analysis (5039)" - 168;

(e) Mathematics: ~~[1. Until August 31, 2014:~~

a. (i) "Mathematics: Content Knowledge (0061)" - 125; or

(ii) "Mathematics: Content Knowledge (5061)" - 125; and

b. "Mathematics: Proofs, Models and Problems, Part 1 (0063)" - 141; or

2. ~~Beginning September 1, 2014,~~ "Mathematics: Content Knowledge (5161)" - 160;

(f) 1. Physics: "Physics: Content Knowledge (0265)" - 133; or

2. "Physics: Content Knowledge (5265)" - 133; or

(g) Social Studies:

1. "Social Studies: Content and Interpretation (0086)" - 153; or

2. "Social Studies: Content and Interpretation (5086)" - 153.

(5) An applicant for certification in all grades shall take the content test or tests corresponding to the applicant's area or areas of specialization identified in this subsection, and, if a passing score is established in this subsection, the applicant shall achieve the passing score or higher:

(a) Art:

1. "Art: Content and Analysis (0135)" - 161; or

2. "Art: Content and Analysis (5135)" - 161;

(b) Chinese: "Chinese (Mandarin): World Language (5665)" - 164;

(c) French: "French: World Language (5174)" - 162;

(d) German: "German: World Language (5183)" - 163;

(e) Health: "Health Education (5551)" - 155; ~~[(0550)]~~ - 630;

(f) Health and Physical Education:

1. a. Until August 31, 2015:

(i) "Health and Physical Education: Content Knowledge (0856)" - 156; or

(ii) "Health and Physical Education: Content Knowledge (5856)" - 156; or

b. Beginning September 1, 2015, "Health and Physical Education: Content Knowledge (5857)" - 160; and

2. a. "Physical Education: Content and Design (0095)" - 169; or

b. "Physical Education: Content and Design (5095)" - 169; ~~[Movement Forms - Analysis and Design (0092)]~~ - 151;

(g) Integrated Music:

1. "Music: Content and Analysis (0114)" - 162; or

2. "Music: Content and Instruction (5114)" - 162;

(h) Instrumental Music:

1. "Music: Content and Analysis (0114)" - 162; or

2. "Music: Content and Analysis (5114)" - 162;

(i) Vocal Music:

1. "Music: Content and Analysis (0114)" - 162; or

2. "Music: Content and Analysis (5114)" – 162;

(j) Latin:

1. "Latin (0601)" - 166; or

2. "Latin (5601)" – 166;

(k) Physical Education:

1. "Physical Education: Content and Design (0095)" - 169; or

2. "Physical Education: Content and Design (5095)" - 169;

(l) School Media Librarian:

1. "Library Media Specialist (0311)" - 156; or

2. "Library Media Specialist (5311)" - 156;

(m) School Psychologist:

1. Until August 31/September 1, 2015, "School Psychologist (0401)" - 161; or

2. Beginning September/August 1, 2015, "School Psychologist (5402)" – 147; or

(n) Spanish: "Spanish: World Language (5195)" - 168.

(6) Except as provided in subsection (7) of this section, an applicant for certification for teacher of exceptional children in Communication Disorders, Learning and Behavior Disorders, Hearing Impaired, Hearing Impaired with Sign Proficiency, Visually Impaired, or Moderate and Severe Disabilities shall take the content test or tests based on the applicant's area or areas of specialization with the corresponding passing scores as identified in this subsection:

(a) Communication Disorders:

1.a. "Special Education: Core Content Knowledge and Applications (0354)" - 151; or

b. "Special Education: Core Content Knowledge and Applications (5354)" - 151; and

2.a. "Speech-Language Pathology (0330)" - 600; or

b.(i) Until August 31/1, 2015, "Speech-Language Pathology (5330)" - 600; or

(ii) Beginning September 1, 2015, "Speech-Language Pathology (5331)" – 162;

(b) Hearing Impaired:

1.a. "Special Education: Core Knowledge and Applications (0354)" - 151; or

b. "Special Education: Core Knowledge and Applications (5354)" - 151; and

2.a. "Special Education: Education of Deaf and Hard of Hearing Students (0272)" - 160; or

b. "Special Education: Education of Deaf and Hard of Hearing Students (5272)" – 160;

(c) Hearing Impaired With Sign Proficiency:

1.a. "Special Education: Core Knowledge and Applications (0354)" - 151; or

b. "Special Education: Core Knowledge and Applications (5354)" – 151;

2.a. "Special Education: Education of Deaf and Hard of Hearing Students (0272)" - 160; or

b. "Special Education: Education of Deaf and Hard of Hearing Students (5272)" -160; and

3. One (1) of the following tests with a passing score of Intermediate Level:

a. "Sign Communication Proficiency Interview (SCPI)"; or

b. "Educational Sign Skills Evaluation (ESSE)";

(d) Learning and Behavior Disorders:

1. "Special Education: Core Knowledge and Mild to Moderate Applications (0543)" - 158; or

2. "Special Education: Core Knowledge and Mild to Moderate Applications (5543)" - 158;

(e) Moderate and Severe Disabilities:

1. "Special Education: Core Knowledge and Severe to Profound Applications (0545)" - 158; or

2. "Special Education: Core Knowledge and Severe to Profound Applications (5545)" - 158; or

(f) Visually Impaired:

1.a. "Special Education: Core Knowledge and Applications (0354)" - 151; or

b. "Special Education: Core Knowledge and Applications (5354)" - 151; and

2.a. "Special Education: Teaching Students with Visual Impairments (0282)" – 163; or

b. "Special Education: Teaching Students with Visual Impairments (5282)" – 163.

(7) A holder of an exceptional child certificate in Learning and Behavior Disorders or Moderate and Severe Disabilities who is seeking additional certification for any exceptional children teaching certificate listed in subsection (6) of this section shall not be required to take:

(a) ~~"Education of Exceptional Students: Core Content Knowledge (0353)";~~

(b) "Special Education: Core Knowledge and Applications (0354)"; or

(b) [(e)] "Special Education: Core Knowledge and Applications (5354)".

(8)(a) Except as provided in paragraph (b) of this subsection, an applicant for Career and Technical Education certification to teach in grades 5 - 12 shall take the content test or tests corresponding to the applicant's area or areas of specialization identified in this paragraph, and, if a passing score is established in this paragraph, the applicant shall achieve the passing score or higher:

1. Agriculture:

a. Until August 31, 2015, "Agriculture (0700)" - 520; or

b. Beginning September 1, 2015, "Agriculture (5701)" – 147;

2. Business and Marketing Education:

a. "Business Education (0101)" - 154; or

b. "Business Education (5101)" - 154;

3. Family and Consumer Science:

a. Until August 31/1, 2015:

(i) "Family and Consumer Sciences (0121)" - 162; or

(ii) [(b-)] "Family and Consumer Sciences (5121)" - 162; or

b. Beginning September 1, 2015, "Family and Consumer Sciences (5122)" – 153; or

4. Engineering and Technology Education:

a. "Technology Education (0051)" – 159; or

b. "Technology Education (5051)" -159.

(b) An applicant for Industrial Education shall take the content test or tests corresponding to the applicant's area or areas of specialization with the passing scores identified in 16 KAR 6:020.

(9) An applicant for a restricted base certificate in the following area or areas shall take the content test or tests based on the applicant's area or areas of specialization with the corresponding passing scores as identified in this subsection:

(a) English as a Second Language:

1. "English to Speakers of Other Languages (0361)" - 157; or

2. "English to Speakers of Other Languages (5361)" - 157;

(b) Speech/Media Communications:

1. "Speech Communication (0221)" - 146; or

2. "Speech Communication (5221)" – 146; or

(c) Theater:

1. "Theatre (0641)" – 162; or

2. "Theatre (5641)" - 162.

(10) An applicant for an endorsement in the following content area or areas shall take the content test or tests based on the applicant's area or areas of specialization with the passing scores identified in this subsection:

(a) American Sign Language: "American Sign Language Proficiency Interview (ASLPI)" administered by the Gallaudet University - 3+;

(b) English as a Second Language:

1. "English to Speakers of Other Languages (0361)" - 157; or

2. "English to Speakers of Other Languages (5361)" – 157;

(c) Learning and Behavior Disorders, grades 8 - 12:

1. "Special Education: Core Knowledge and Mild to Moderate Applications (0543)" - 158; or

2. "Special Education: Core Knowledge and Mild to Moderate Applications (5543)" - 158;

(d) Literacy Specialist:

1. "Reading Specialist (0301)" - 164; or

2. "Reading Specialist (5301)" - 164;

(e) Gifted Education, grades primary - 12:

1. Until August 31, 2015, "Gifted Education (0357)" - 152; or

2. Beginning September 1, 2015, "Gifted Education (5358)" – 157; or

- (f) Reading Primary through Grade 12:
 1. "Teaching Reading (0204)" - 153; or
 2. "Teaching Reading (5204)" - 153.

Section 3. In addition to the content area test or tests established in Section 2 of this administrative regulation, each new teacher shall take the pedagogy test and meet the passing score identified in this section that corresponds to the grade level of certification sought. If a certified teacher is seeking additional certification in any area, the applicant shall not be required to take an additional pedagogy test.

(1) An applicant for Elementary certification (grades primary – 5) shall take one (1) of the following tests and achieve the corresponding passing score or higher:

(a) "Principles of Learning and Teaching: Grades kindergarten - 6 (0622)" - 160; or

(b) "Principles of Learning and Teaching: Grades kindergarten - 6 (5622)" - 160.

(2) An applicant for certification at the middle school level (grades 5 through 9) shall take one (1) of the following tests and achieve the corresponding passing score or higher:

(a) "Principles of Learning and Teaching: Grades 5 - 9 (0623)" - 160; or

(b) "Principles of Learning and Teaching: Grades 5 - 9 (5623)" - 160.

(3) An applicant for certification at the secondary level (grades 8 through 12) shall take one (1) of the following tests and achieve the corresponding passing score or higher:

(a) "Principles of Learning and Teaching: Grades 7 - 12 (0624)" - 160; or

(b) "Principles of Learning and Teaching: Grades 7 - 12 (5624)" - 160.

(4) An applicant for certification in all grades with a content area identified in Section 2(5) of this administrative regulation shall take one (1) of the following tests and achieve the corresponding passing score or higher:

(a) "Principles of Learning and Teaching: Grades kindergarten - 6 (0622)" - 160;

(b) "Principles of Learning and Teaching: Grades kindergarten - 6 (5622)" - 160;

(c) "Principles of Learning and Teaching: Grades 5 - 9 (0623)" - 160;

(d) "Principles of Learning and Teaching: Grades 5 - 9 (5623)" - 160;

(e) "Principles of Learning and Teaching: Grades 7 - 12 (0624)" - 160; or

(f) "Principles of Learning and Teaching: Grades 7 - 12 (5624)" - 160.

(5) An applicant applying only for certification for teacher of exceptional children shall not be required to take a separate pedagogy test established in this section. The content area test or tests established in Section 2 of this administrative regulation shall fulfill the pedagogy test requirement for a teacher of exceptional children.

(6) An applicant for Career and Technical Education certification in grades 5 through 12 shall take one (1) of the following tests and receive the identified passing score:

(a) "Principles of Learning and Teaching: Grades kindergarten - 6 (0622)" - 160;

(b) "Principles of Learning and Teaching: Grades kindergarten - 6 (5622)" - 160;

(c) "Principles of Learning and Teaching: Grades 5 - 9 (0623)" - 160;

(d) "Principles of Learning and Teaching: Grades 5 - 9 (5623)" - 160;

(e) "Principles of Learning and Teaching: Grades 7 - 12 (0624)" - 160; or

(f) "Principles of Learning and Teaching: Grades 7 - 12 (5624)" - 160.

Section 4. Assessment Recency. (1) A passing score on a test established at the time of administration shall be valid for the purpose of applying for certification for five (5) years from the test

administration date.

(2) A teacher who fails to complete application for certification to the Education Professional Standards Board within the applicable recency period of the test and with the passing score established at the time of administration shall retake the applicable test or tests and achieve the passing score or scores required for certification at the time of application.

(3) The test administration date shall be established by the Educational Testing Service or other authorized test administrator.

Section 5. (1) An applicant for initial certification shall take the assessments on a date established by:

(a) The Educational Testing Service; or

(b) The agency established by the Education Professional Standards Board as the authorized test administrator.

(2) An applicant shall authorize test results to be forwarded by the Educational Testing Service, or other authorized test administrator, to the Kentucky Education Professional Standards Board and to the teacher preparation institution where the applicant received the relevant training.

(3)(a) Public announcement of testing dates and locations shall be issued sufficiently in advance of testing dates to permit advance registration.

(b) An applicant shall seek information regarding the dates and location of the tests and make application for the appropriate examination prior to the deadline established and sufficiently in advance of anticipated employment to permit test results to be received by the Education Professional Standards Board and processed in the normal certification cycle.

Section 6. An applicant shall pay the examination fee established by the Educational Testing Service or other authorized test administrator for each relevant test required to be taken.

Section 7. An applicant who fails to achieve at least the minimum score on any of the applicable examinations may retake the test or tests during one (1) of the scheduled test administrations.

Section 8. The Education Professional Standards Board shall collect data and conduct analyses of the scores and institutional reports provided by the Educational Testing Service or other authorized test administrator to determine the impact of these tests.

CASSANDRA WEBB, Chairperson

APPROVED BY AGENCY: December 8, 2014

FILED WITH LRC: December 12, 2014 at 4 p.m.

CONTACT PERSON: Alicia A. Sneed, Director of Legal Services, Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601, phone (502) 564-4606, fax (502) 564-7080.

FINANCE AND ADMINISTRATION CABINET
Office of the Secretary
(As Amended at ARRS, February 9, 2015)

200 KAR 40:010. Motor pool procedure.

RELATES TO: KRS 42.0171(2), 44.045[1984 Ky. Acts ch. 344 sec. 1, ch. 406 sec. 6]

STATUTORY AUTHORITY: KRS 44.045(6)[474-080]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 44.045(6) authorizes the secretary of the Finance and Administration Cabinet to promulgate an administrative regulation governing the use of state-owned vehicles. ~~To implement the authority for administration of the state motor pool authorized by Executive Order 83-70 confirmed by the 1984 Ky. Acts ch. 406, Section 6 and Executive Order 82-798 confirmed by the 1984 Ky. Acts ch. 344, Section 1. These Executive Orders provide that the administration of the state motor pool is the responsibility of the Transportation Cabinet.~~ This administrative regulation

~~establishes[sets forth]~~ the procedures by which a state employee ~~may[can]~~ use a motor pool vehicle and ~~the employee's[his]~~ resulting responsibility for the motor vehicle.

Section 1. ~~[(4)]~~ In order to facilitate the administration and operation of the state motor pool, the Guide for Drivers of the Commonwealth's[Driver's Guide for Commonwealth] Vehicles and the Agency Guide for the Commonwealth's[Commonwealth] Vehicles shall govern ~~["Transportation Services Guidance Manual", as revised through August 28, 1991 is incorporated by reference. The manual incorporated by reference contains information on]~~ the use and assignment of state motor pool vehicles, the operation and care of those vehicles, and the use of ~~fuel[Transportation Cabinet] credit cards.~~

~~[(2) This guidance manual may be inspected, copied or purchased from the Transportation Cabinet's Division of Management Services, First Floor State Office Building, 501 High Street, Frankfort, Kentucky 40622. The telephone number of the division is (502) 564-6927. The office hours of the division are 8 a.m. to 4:30 p.m. Eastern time on weekdays.]~~

Section 2. Any employee who fails to adhere to the requirements of this administrative regulation is subject to disciplinary action pursuant to KRS 18A.095.

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

(a) "Guide for Drivers of the Commonwealth's[Driver's Guide for Commonwealth] Vehicles", 2/2015[8/2012], and

(b) "Agency Guide for the Commonwealth's[Commonwealth] Vehicles", 2/2015[8/2012].

~~[(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Finance and Administration Cabinet, 392 Capitol Annex, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., and is available from the Division of Fleet Management Web site at <http://finance.ky.gov/services/fleet/Pages/FleetGuidanceandRates.aspx>.~~

LORI FLANERY, Secretary

APPROVED BY AGENCY: December 8, 2014

FILED WITH LRC: December 10, 2014 at noon

CONTACT PERSON: Doug Hendrix, Deputy General Counsel, Finance and Administration Cabinet, 392 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9785.

FINANCE AND ADMINISTRATION CABINET
Office of the Secretary
(As Amended at ARRS, February 9, 2015)

200 KAR 40:020. Purchase, use, lease, maintenance, and disposal of state-owned motor vehicles.

RELATES TO: KRS 42.0171(2), 44.045[-, 186.065]

STATUTORY AUTHORITY: KRS 44.045(6)

NECESSITY, FUNCTION, AND FUNCTION: KRS 44.045(6) authorizes the Secretary of the Finance and Administration[Transportation] Cabinet to promulgate administrative regulations governing the use of state-owned vehicles. This administrative regulation ~~establishes[is necessary to assure the most effective utilization of state-owned vehicles and to establish]~~ procedures governing the purchase, licensure, use, lease, maintenance, and disposal of state-owned vehicles.

Section 1. Definitions. (1) "Agency-specific motor pool" means the fleet of passenger carrying motor vehicles owned, operated, and maintained by a state agency other than the Finance and Administration[Transportation] Cabinet.

(2) "Cabinet" means the Finance and Administration Cabinet.

(3) "Division" means the Finance and Administration Cabinet, Division of Fleet Management.

(4) "Exempt vehicle" means a motor vehicle that is not part of

the statewide motor pool.

~~(5)[(3)]~~ "Motor vehicle" ~~is[means—as]~~ defined in KRS 281.011(2).

~~(6)[(4)]~~ "Nonexempt vehicle" means a motor vehicle under the control of the statewide motor pool.

~~(7)[(5)]~~ "Passenger carrying vehicle" means a motor vehicle whose primary purpose is to transport people.

~~(8) "Secretary" means the Secretary of the Finance and Administration Cabinet.~~

~~(9)[(6)]~~ "Statewide motor pool" means the fleet of passenger carrying motor vehicles operated, controlled, and maintained by the Finance and Administration Cabinet, [Transportation Cabinet's] Division of Fleet Management.

Section 2. General. (1) This administrative regulation ~~shall~~ apply[is applicable] to:

(a) An executive branch state agency in regard to the purchase, licensure, use, lease, maintenance, and disposal of a motor vehicle; and

(b) A legislative or judicial branch state agency in regard to the use, lease, and maintenance of a nonexempt motor vehicle.

(2) The ~~Transportation~~ cabinet shall establish a statewide motor pool of vehicles for the purpose of providing safe, reasonably priced, necessary, and essential vehicular transportation for a cabinet, agency, or entity of state government. This fleet shall be made available for lease by a state agency.

(3)(a) The secretary ~~of the Finance and Administration Cabinet~~ may, upon written justification from an agency head, authorize the establishment of an agency-specific motor pool.

(b) An agency-specific motor pool shall provide a similar service level at costs less than or equal to the costs the ~~Transportation~~ cabinet could provide a comparable service.

(c) An agency with authority delegated pursuant to this subsection shall submit cost effectiveness and inventory reports to the ~~Transportation~~ cabinet on an annual basis or as requested by the cabinet to demonstrate the agency-specific motor pool meets the requirements of this subsection[Section 2(3)(c) of this administrative regulation].

(d) The establishment of an agency-specific motor pool shall not exempt the agency from the provisions of this administrative regulation.

(4) Except as provided in[for] Section 3(2) of this administrative regulation, a state-supported university and the ~~Kentucky Department of~~ State Police shall be exempt from the provisions of this administrative regulation.

(5) A nonpassenger carrying motor vehicle with a weight rating greater than three-fourths (3/4) ton shall be exempt from the statewide motor pool.

Section 3. Vehicle Identification. (1) The ~~Transportation~~ cabinet shall have inventory responsibility for all state-owned motor vehicles.

(2) A state agency controlling an exempt vehicle shall submit an annual inventory report to the ~~Transportation~~ cabinet.

(3) A copy of each vehicle purchase order authorized by the ~~Finance Cabinet~~ secretary pursuant to KRS 44.045(2) shall be submitted to the ~~Transportation~~ cabinet. The submittal shall include the agency responsible for reporting inventory information to the ~~Transportation~~ cabinet.

~~(4)[(a)]~~ At the time of its purchase, a nonexempt motor vehicle shall be delivered to the division[Transportation Cabinet] in Frankfort, where licensing, identification, and other required markings shall be performed. The agency controlling an exempt vehicle shall pay the division the actual costs incurred for the licensing, identification, and other required markings for the vehicles[(b) If purchased an exempt vehicle may be delivered to a location determined by the agency head].

Section 4. Purchase of Motor Vehicles. (1) A price contract for the purchase of a motor vehicle shall be established by the cabinet's Office of Procurement Services[Finance and Administration Cabinet, Division of Purchases].

(2)(a) The ~~Transportation~~ cabinet shall approve the purchase

of a motor vehicle, except one (1) exempted by the provisions of Section 2(4) of this administrative regulation and an exempt vehicle deemed necessary by the secretary~~[of the Finance Cabinet]~~ pursuant to KRS 44.045(2). A state agency desiring to purchase a motor vehicle shall submit a written request to the~~[Transportation]~~ cabinet.

(b) The request shall include the following:

1. Name of the requesting agency;
2. Description of the requested vehicle, including type of fuel used in the vehicle;
3. Intended use of the vehicle;
4. Number of vehicles requested;
5. Estimated annual vehicle mileage;
6. Whether the vehicle is a replacement or a program expansion;
7. Source of funds for the purchase;
8. If funding for the vehicle was approved in the budget;
9. If the vehicle will be assigned to a motor pool, and if not, an explanation of its planned uses; and
10. The name, address, telephone number, and signature of the person in the agency authorized to request the purchase.

(3)(a) The~~[Transportation]~~ cabinet shall consider for replacement a nonexempt motor vehicle that:

(a) Is seven (7)[1-Is five (5)] years old;

(b) [or 2-] Has been driven 140,000[90,000] miles;

(c) ~~Is~~ (b) ~~The Transportation Cabinet may consider for replacement a nonexempt motor vehicle if it is:~~

1-] inoperable;

(d) Is 2-] unsafe; or

(e) Is 3-] in need of extensive repair that would not be economically feasible. (4) ~~The Transportation Cabinet shall submit a monthly status report to the Governor's Office of Policy and Management that summarizes the vehicle purchases authorized and the impact they have on the motor pool.~~

(5) ~~An exempt agency shall submit a purchase document with a copy of vehicle purchase approval from the Transportation Cabinet to the Finance and Administration Cabinet, Division of Purchases for processing.~~

(6) ~~The Transportation Cabinet shall purchase a vehicle used by the cabinet which is not ordered from a price contract, including heavy roadway equipment and other exempt vehicles.]~~

Section 5. Use of Motor Vehicles. (1)(a) A state employee shall comply with 200 KAR 40:010[600 KAR 1:070] when using a vehicle from the motor pool.

(b) It shall be the responsibility of each agency head to ascertain that state-owned motor vehicles are used only for official purposes in accordance with KRS 44.045(2) and the agency head[he] shall ensure[insure] that the use of these vehicles is not abused.

(2)(a) The request for permanent assignment shall set forth the reasons why the assignment is necessary and in the best interests of the Commonwealth.

(b) If the vehicle is to be parked at a private residence, the request shall include significant justification for this action.

(3) Before a motor vehicle may be used by a state agency, it shall be marked in accordance with the provisions of KRS 44.045[186.065].

Section 6. Licensure of Motor Vehicles. (1)(a) A request to license a state-owned motor vehicle with a nonofficial license plate, pursuant to KRS 44.045(4) and 186.020, shall set forth the investigatory purposes for which the vehicle shall be used.

(b) It shall be the responsibility of the agency head to ascertain that the vehicle is used only for investigatory purposes and the agency head[he] shall ensure[insure] that the use of the vehicle is not abused.

(2) An official license plate attached to a motor vehicle which is being replaced shall be turned in to the~~[Transportation]~~ cabinet.

(3) The~~[Transportation]~~ cabinet shall be responsible for the licensing and titling of all nonexempt vehicles.

Section 7. Lease of Motor Vehicles from Statewide Motor Pool.

(1) The fleet of vehicles in the statewide motor pool shall be available for use by a state agency for official business of the Commonwealth. These vehicles shall be made available for a lease to a state agency.

(2)(a) A request to use a motor vehicle available in the statewide motor pool shall be submitted to the~~[Transportation]~~ cabinet on the forms and in the manner prescribed in 200 KAR 40:010[600 KAR 1:070].

(b) Billing shall be performed by the~~[Transportation]~~ cabinet and necessary documentation shall be provided to a user agency.

(c) The~~[Transportation Cabinet has adopted the procedures to govern the]~~ operation of the statewide motor pool shall be governed by 200 KAR 40:010[in 600 KAR 1:070].

(3) Except for vehicles for lease under a master agreement procured by the cabinet, an agency shall not lease a motor vehicle from a private individual or business without prior written approval of the secretary~~[of the Finance and Administration Cabinet]~~.

Section 8. Maintenance of Motor Vehicles. (1) It shall be the responsibility of the agency to which a motor vehicle from the statewide motor pool has been permanently assigned to maintain it properly and in accordance with the manufacturer's instructions.

(2)(a) Nonexempt motor vehicle repair and maintenance shall be the responsibility of the~~[Transportation]~~ cabinet.

(b) The cabinet shall repair and maintain vehicles in the most economical means possible.

(3) A record of maintenance history and costs for an exempt motor vehicle shall be kept by the agency and submitted to the~~[Transportation]~~ cabinet on an annual basis or as requested by the cabinet to demonstrate the agency-specific motor pool meets the requirements of this section.

Section 9. Disposal of Motor Vehicles. (1) An agency may advise the~~[Transportation]~~ cabinet of its desire to dispose of a motor vehicle if the motor vehicle[which meets at least one (1) of the following criteria]:

(a) Is at least seven (7)[five (5)] years old;

(b) Has been driven at least 140,000[90,000] miles; or

(c) Is inoperable, unsafe, or in need of substantial repair.

(2) All proceeds from the sale of a nonexempt surplus motor vehicle shall be deposited into the~~[Transportation]~~ cabinet motor pool agency fund unless precluded by:

(a) Federal law~~[or regulations]~~; or

(b) State law~~[or administrative regulations]~~.

(3)(a) The disposal of an exempt motor vehicle shall be the responsibility of the individual agency.

(b) For inventory control purposes, the agency shall immediately notify the~~[Transportation]~~ cabinet of the disposal of an exempt vehicle.

LORI FLANERY, Secretary

APPROVED BY AGENCY: December 8, 2014

FILED WITH LRC: December 10, 2014 at noon

CONTACT PERSON: Doug Hendrix, Deputy General Counsel, Finance and Administration Cabinet, 392 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

**GENERAL GOVERNMENT CABINET
Kentucky Board of Medical Licensure
(As Amended at ARRS, February 9, 2015)**

201 KAR 9:270. Professional standards for prescribing or dispensing Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone.

RELATES TO: KRS 311.530-311.620, 311.990

STATUTORY AUTHORITY: KRS 311.565(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.565(1)(a) authorizes the board to promulgate administrative regulations to regulate the conduct of its licensees. This administrative regulation establishes the professional standards for physicians practicing in Kentucky who prescribe or dispense

Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone.

Section 1. Minimum Qualifications for Prescribing or Dispensing Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone. A licensed physician shall not prescribe or dispense Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone unless that physician possesses the minimum qualifications established in this section. (1) The physician shall obtain and maintain in good standing a waiver and license as issued by the Drug Enforcement Administration (DEA) to prescribe Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone for the treatment of opioid dependence in the Commonwealth of Kentucky.

(2) The physician shall successfully complete the approved educational programs required by this subsection.

(a)1. If the prescribing physician was a DEA-licensed prescriber of Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone prior to July 1, 2015, the physician shall have obtained Buprenorphine certification through completion of a Substance Abuse and Mental Health Services Administration ("SAMHSA") certified course or through personal attendance and completion of a review course approved by the American Society of Addiction Medicine ("ASAM") prior to July 1, 2015.

2. If the prescribing physician becomes a DEA-licensed prescriber of Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone on or after July 1, 2015, the physician shall obtain Buprenorphine certification through personal attendance and completion of a review course approved by the American Society of Addiction Medicine ("ASAM") before the physician prescribes or dispenses Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone.

(b) For each three (3) year continuing education cycle, each DEA-licensed prescriber of Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone shall complete at least twelve (12) hours of continuing medical education specific to addiction medicine as part of the required continuing medical education hours set forth in 201 KAR 9:310.

(3) The physician shall enroll and participate in the Kentucky Health Information Exchange.

Section 2. Professional Standards for Prescribing or Dispensing Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone for Medically-Supervised Withdrawal or the Treatment of Opioid Dependency. (1)(a) Except as provided in paragraph (b) of this subsection, Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone shall only be prescribed or dispensed for medically-supervised withdrawal or as a maintenance treatment for a patient diagnosed with opioid dependence.

(b) Transdermal delivery of Buprenorphine-Mono-Product may be used for treatment of pain.

(2) Buprenorphine-Mono-Product shall not be prescribed or dispensed, except:

(a) To a pregnant patient;

(b) To a patient with demonstrated hypersensitivity to naloxone; or

(c) As an injectable treatment in a physician's office or other healthcare facility.

(3)(a) Except as provided in paragraph (b) of this section, Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone shall not be prescribed or dispensed to a patient who is also being prescribed benzodiazepines, other sedative hypnotics, stimulants or other opioids, without consultation of a physician who is certified by the American Board of Addiction Medicine, the American Board of Medical Specialties (ABMS) in psychiatry, or an American Osteopathic Association (AOA) certifying board in addiction medicine or psychiatry.

(b) A physician may prescribe or dispense Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone to a patient who is also being prescribed benzodiazepines, other sedative hypnotics, stimulants, or other opioids, without consultation in order to address an extraordinary and acute

medical need not to exceed a combined period of thirty (30) days.

(4) Each licensed physician who prescribes or dispenses Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone for medically-supervised withdrawal or for the treatment of Opioid dependence shall fully comply with the professional standards established in this subsection.

(a) Prior to initiating treatment, the **prescribing or dispensing** physician shall:

1. Obtain and record a complete and appropriate evaluation of the patient which shall at a minimum include:

- The patient's history of present illness;
- The patient's history of substance use;
- The patient's social and family history;
- The patient's past medical and psychiatric histories;
- A physical examination of the patient;
- The patient's injection use history, which shall include screening for HIV and hepatitis serology; and

g. Appropriate laboratory tests, which shall include a CBC, a drug screen, and a CMP;

2. Obtain the patient's consent and authorizations in order to obtain the patient's prior medical records.

a. Upon receipt of the medical records, the **prescribing or dispensing** physician shall review and incorporate the information from the records into the evaluation and treatment of the patient.

b. If the **prescribing or dispensing** physician is unable, despite best efforts, to obtain the patient's prior medical records, the physician shall document those efforts in the patient's chart;

3. Obtain and review a KASPER report for that patient for the twelve (12) month period immediately preceding the initial patient encounter and appropriately utilize that information in the evaluation and treatment of the patient;

4. Explain treatment alternatives and the risks and the benefits of treatment with Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone to the patient;

5. Obtain written informed consent from the patient in a manner that meets professional standards; and

6. If the patient is a female of child-bearing age and ability, meet the requirements of paragraph (b) of this subsection.

(b) The requirements of this paragraph shall apply to the treatment of a female of child-bearing age and ability.

1. Prior to initiating treatment, the physician shall require that the patient first submit to a pregnancy test and the physician shall provide counseling as to the risk of neonatal abstinence syndrome which shall be consistent with patient education material on neonatal abstinence syndrome from the American Congress of Obstetricians and Gynecologists, American Academy of Pediatrics, American Society of Addiction Medicine and the Kentucky Department for Public Health, and offer means to prevent pregnancy.

2.a. A physician shall not prescribe or dispense Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone to a patient who is pregnant or breastfeeding unless the prescribing physician first obtains and documents consultation with another physician for an opinion as to whether the potential benefit of Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone use outweighs the potential risk of use.

b. The consultation shall be obtained from a physician who is certified by the American Board of Addiction Medicine, the American Board of Medical Specialties (ABMS) in psychiatry, or an American Osteopathic Association (AOA) certifying board in addiction medicine or psychiatry or from an obstetrician or maternal-fetal medicine specialist who is also qualified to prescribe buprenorphine.

(c) **Except as provided by paragraph (d) of this subsection,** while initiating treatment with Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone, the **prescribing or dispensing** physician shall comply with the requirements of this paragraph.

1. The **prescribing or dispensing** physician shall recommend to the patient an in-office observed induction protocol.

a. Except as provided in clause b. of this subparagraph, the **prescribing or dispensing** physician shall conduct the in-office

observed induction protocol.

b. If an in-office observed induction does not occur, the prescribing or dispensing physician shall appropriately record the circumstances in the patient chart and shall implement a SAMHSA-recognized or ASAM-recognized home-based induction protocol.

2. The prescribing or dispensing physician shall document the presence of opioid withdrawal before the first dose is given by using a standardized instrument, such as the clinic opioid withdrawal scale (COWS) or other similarly recognized instrument. ~~If the patient is transferred from another treatment provider and has previously experienced withdrawal without a relapse, the physician shall document that fact and educate the patient about the potential for precipitated withdrawal.~~

3. The prescribing or dispensing physician shall initiate treatment with a dose not to exceed the dose equivalency of four (4) milligrams buprenorphine generic tablet[up to four (4) milligrams], which:

a. May be followed by subsequent doses if withdrawal persists and is not improving; and

b. Shall not exceed the dose equivalency[a total] of sixteen (16) milligrams buprenorphine generic tablet on the first day of treatment.

(d) If the patient is transferred from another treatment provider and has previously experienced withdrawal without a relapse, the prescribing or dispensing physician shall:

1. Document that fact;

2. Educate the patient about the potential for precipitated withdrawal; and

3. Continue maintenance treatment of the patient on the same dosage as established by the previous treatment provider and then as provided in paragraph (e) of this subsection.

(e) After initial induction of Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone, the prescribing or dispensing[a] physician shall meet the requirements established in this paragraph.

1. If the physician prescribes or dispenses Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone medication, the physician shall implement a treatment plan that requires objective behavioral modification by the patient. The behavioral modification shall include the patient's participation in a behavioral modification program that may include counseling or a twelve (12) step facilitation.

2. The physician shall prescribe or dispense to the patient an amount of Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone that:

a. Is necessary to minimize craving and opiate withdrawal;

b. Does not produce opiate sedation;

c. Is to be taken no more frequently than once daily; and

d. Is able only to supply the patient until the next physician visit, which shall be scheduled as required by subparagraph 3. of this paragraph.

3.a. The prescribing or dispensing physician shall ensure that the patient is[patient shall be] seen by the physician:

(i) No later than ten (10) days after induction and then at intervals of no more than ten (10) days for the first month after induction; and

(ii) At intervals of no more than fourteen (14) days for the second month after induction.

b.(i) If the patient demonstrates objective signs of positive treatment progress, the prescribing or dispensing physician shall ensure that the patient is seen[patient shall be seen by a physician or a qualified physician extender] at least once monthly thereafter.

(ii) The prescribing or dispensing[A] physician shall see the patient in shorter intervals if the patient demonstrates any noncompliance with the treatment plan.

c. If extenuating circumstances arise that require a patient to unexpectedly reschedule a physician visit, the prescribing or dispensing physician shall make best efforts to see the patient as soon as possible and document the circumstances in the patient chart.

4. Every three (3) months after initiation of treatment, the prescribing or dispensing physician shall evaluate the patient to determine whether the patient's dosage should be continued or modified and shall appropriately document that evaluation and clinical reasoning in the patient's chart.

5. At least once every three (3) months, the prescribing or dispensing physician shall obtain KASPER reports to help guide the treatment plan.

a. If the KASPER indicates any abnormal findings, the prescribing or dispensing physician shall incorporate those findings into appropriate clinical reasoning to support the continuation or modification of treatment and shall accurately document the same in the patient record.

b. Appropriate clinical reasoning may include adjustment of dose strength or frequency of visits, increased screening, a consultation with a specialist, or an alternative treatment.

c. Every twelve (12) months following initiation of treatment, if a patient's prescribed daily therapeutic dosage exceeds the dose equivalency of[dosage includes more than] sixteen (16) milligrams[~~of~~] buprenorphine generic tablet per day and the prescribing or dispensing physician is not certified by the American Board of Addiction Medicine, the American Board of Medical Specialties (ABMS) in psychiatry, or an American Osteopathic Association (AOA) certifying board in addiction medicine or psychiatry, then the prescribing or dispensing physician shall refer the patient for consultation by a physician who is certified by the American Board of Addiction Medicine, the American Board of Medical Specialties (ABMS) in psychiatry, or an American Osteopathic Association (AOA) certifying board in addiction medicine or psychiatry for an opinion as to whether continued treatment and dosage is appropriate and shall accurately document the results of that consultation in the patient chart.

d. The prescribing or dispensing physician shall adjust dosages according to the individual patient's condition and within acceptable and prevailing medical standards, with the goal of improving the patient's quality of life and ability to function in the community.

e. Every twelve (12) months following initiation of treatment, the prescribing or dispensing physician shall evaluate for and document the medical necessity for continued treatment at the established dose.

f. The prescribing or dispensing physician shall obtain at least eight (8) drug screens from the patient within each twelve (12) month period of treatment in order to help guide the treatment plan.

(i) At least two (2) of the drug screens shall be random and shall be coupled with a pill count.

(ii) Each drug screen shall at a minimum screen for buprenorphine, methadone, oxycodone, other opioids, THC, benzodiazepines, amphetamines, and cocaine.

(iii) If a drug screen indicates any abnormal findings, the prescribing or dispensing physician shall incorporate those findings into appropriate clinical reasoning to support the continuation or modification of treatment and shall accurately document the same in the patient record.

(iv) Appropriate clinical reasoning may include adjustment of dose strength or frequency of visits, increased screening, a consultation with a specialist, or an alternative treatment.

6. The prescribing or dispensing physician shall document a plan for handling any lost or stolen medication, which:

a. Shall not provide for the automatic replacement of medication prior to the specified interval date; and

b. If the prescribing or dispensing physician determines that it is necessary to minimize improper or illegal diversion of medications under the circumstances, shall require the patient to first report the lost or stolen medications to police or other law enforcement agencies.

Section 3. Violations. Failure to comply with or a violation of the professional standards established in Section 2 of this administrative regulation shall constitute a "departure from, or failure to conform to the standards of acceptable and prevailing

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medical practice within the Commonwealth of Kentucky," in violation of KRS 311.595(12) and (9), as illustrated by KRS 311.597(4) and may constitute a violation of KRS 311.595(9), as illustrated by KRS 311.597(3), subjecting the licensed physician to sanctions authorized by KRS 311.595.

PRESTON P. NUNNELLEY, M.D., President

APPROVED BY AGENCY: December 12, 2014

FILED WITH LRC: December 15, 2014 at 9 a.m.

CONTACT PERSON: Leanne K. Diakov, General Counsel,
Kentucky Board of Medical Licensure, 310 Whittington Parkway,
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(502) 429-7118.

GENERAL GOVERNMENT CABINET Kentucky Board of Licensed Diabetes Educators (As Amended at ARRS, February 9, 2015)

201 KAR 45:120. Renewal, reinstatement, and inactive status.

RELATES TO: KRS 309.331, 309.334, 309.335

STATUTORY AUTHORITY: KRS 309.331(1), 309.335

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.331 requires the board to promulgate administrative regulations establishing procedures for annual renewal and reinstatement of licenses. This administrative regulation establishes procedures for annual renewal and reinstatement of licenses.

Section 1. Regular License Renewal. (1) A licensed diabetes educator or master licensed diabetes educator shall submit to the board by November 1 of each year:

(a) A completed Renewal Application, Form DE-02;

(b) Proof of the required continuing education as set forth in 201 KAR 45:130; and;

(c) The renewal fee as established in 201 KAR 45:100.

(2) If a license is not renewed by January 30 of the new licensure year, the license[~~it~~] shall automatically expire.

Section 2. Reinstatement. (1) An expired license shall be reinstated upon the licensee:

(a) Paying the required fees established in 201 KAR 45:100; and

(b) Submitting proof of completion of an amount of continuing education courses equivalent to the continuing education requirements as established in 201 KAR 45:130 for each year since the last date the license was active.

(2) An expired license shall[~~may~~] be reinstated within five (5) years of the date of expiration.

Section 3. Inactive Status. (1) A licensee may place his or her license in inactive status. To request that a license be placed in inactive status, the licensee shall submit[~~by submitting~~] written notice to the board prior to November 1.

(2)(a) An individual with an inactive license shall not [~~be permitted to~~] practice diabetes education while the license is inactive.

(b) A licensee may remain in inactive status for a maximum of five (5) years.

(3)(a) During the period of inactive status, the licensee shall not be required to meet the annual continuing education requirements as established in 201 KAR 45:130.

(b) Upon the licensee's request for licensure reactivation, the licensee shall provide proof of completion of an amount of continuing education courses equivalent to the continuing education requirements as established in 201 KAR 45:130 for each year the license was inactive.

(4)(a) An individual shall submit in writing a request to the board to be placed back in active status.

(b) The request shall be submitted at least one (1) week in advance of the board's regularly scheduled board meeting.

Section 4. Regular Permit Renewal. (1) An apprentice diabetes educator shall submit to the board by November 1 of each year:

(a) A completed Apprentice Renewal Application, Form DE-04;

(b) Proof of the required continuing education established in 201 KAR 45:130; and

(c) The renewal fee established in 201 KAR 45:100.

(2)(a) If a permit is not renewed by January 30 of the new licensure year, it shall automatically expire, and the apprentice diabetes educator shall reapply for a permit as established in KRS 309.334.

(b) Work experience accumulated shall not carry over between permits.

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

(a) "Renewal Application", Form DE-02, 2/2015[01/2015][06/2013]; and

(b) "Apprentice Renewal Application", Form DE-04, 08/2014.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Diabetes Educators, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m.

KIM DECOSTE, Chairperson

APPROVED BY AGENCY: December 15, 2014

FILED WITH LRC: December 15, 2014 at 11 a.m.

CONTACT PERSON: Matt James, Board Counsel, Asst. Attorney General, Office of the Attorney General, 700 Capitol Avenue, Suite 118, Frankfort, Kentucky 40601, phone (502) 696-5300, fax (502) 564-9380.

JUSTICE AND PUBLIC SAFETY CABINET Kentucky Law Enforcement Council (As Amended at ARRS, February 9, 2015)

503 KAR 1:090. Approval of course curriculums.

RELATES TO: KRS 15.330(1)(a), (g), 15.440

STATUTORY AUTHORITY: KRS 15.330(1)(a), (h)[15A.160]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.330(1)(a) authorizes the Kentucky Law Enforcement Council to prescribe standards for the approval and continuation of approval of schools which conduct law enforcement training courses required by KRS 15.440 for police officers in order for them to gain or retain eligibility to participate in the Law Enforcement Foundation Program Fund, including minimum standards for curriculums for[such] courses. This administrative regulation establishes[~~prescribes~~] standards and procedures for[such] approval of curriculum for courses.

Section 1. ~~Council Authority. The council shall have the authority to review for certification all curriculums for all law enforcement courses to be provided by all schools~~[certified by the council]. ~~The council shall have the authority to require all[such] curriculums to indicate, and to justify, the "passing" performance level on all graded exercises in the course.~~

~~Section 2.] Submission Requirements. In order for the council to adequately determine the merits of a proposed course curriculum or proposed curriculum amendment, a proposed curriculum or proposed amendment to a previously approved curriculum shall:~~

~~(1) Be received by the council at least thirty (30) days prior to the date of anticipated review;~~

~~(2) Be taught by certified instructors or instructors whose certification has been waived;~~

~~(3) Be submitted by a certified school;~~

~~(4) Be submitted with a completed KLEC Form 31 to the Kentucky Law Enforcement Council, Funderburk Building, 521 Lancaster Avenue, Richmond, Kentucky 40475-3102;~~

~~(5) Include a specific learning objective for every portion of the course;~~

(6) Include a course description;
(7) Include a description of the method of student learning evaluation;
(8) Include a bibliography;
(9) Include a schedule indicating the number of hours for each block of instruction; and
(10) Indicate and justify a "passing" performance level on all student learning evaluations. ~~[All proposed curriculums or proposed amendments to previously approved curriculums shall be received by the council at least thirty (30) days prior to the date of anticipated review.](1)[The curriculum development]~~ ~~[approval]~~ ~~[form.]~~ ~~[KLEC Form 31, shall]~~ ~~is available from, and should~~ ~~[be submitted to].~~ ~~[the Kentucky Law Enforcement Council, Funderburk Building, 521 Lancaster Avenue, Richmond, Kentucky 40475-3102.]~~ ~~[Third Floor, Commonwealth Credit Union Building, High Street, Frankfort, Kentucky 40601.]~~

Section 2.3.3 School Endorsement. A proposed course curriculum or proposed curriculum amendment ~~[All course curriculums and amendments to course curriculums]~~ submitted by a school shall be endorsed by the director of the school or the director's ~~[his]~~ designee.

Section 3.4.4 Approval Procedure. Upon review of the merits of a proposed course curriculum or proposed curriculum amendment in accordance with Section 1 of this administrative regulation, the council shall vote whether to approve, approve subject to stated conditions, or disapprove. Course curriculum approval shall last for only three (3) years; ~~curriculums approved before the effective day of this administrative regulation shall remain approved until three (3) years after the effective date.~~ Curriculums which are to be continued shall be resubmitted for approval at least thirty (30) days before the council meeting which occurs last before the expiration of the three (3) year period.

Section 4.5.1 Notification of Council Action. Within sixty (60) days of the council's vote, the council shall complete KLEC Form 33 and notify in writing the school which submitted the curriculum whether the curriculum or curriculum amendment was approved.

Section 5.6.1 Incorporation by Reference. (1) The following material is incorporated by reference:

(a) KLEC Form 31, "Curriculum Development Form", June 2014; and

(b) KLEC Form 33, "Curriculum Development Approval Form", June 2014.

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KEITH CAIN, Chair

APPROVED BY AGENCY: August 13, 2014

FILED WITH LRC: August 14, 2014 at 3 p.m.

CONTACT PERSON: Dana M. Todd, Assistant General Counsel, Department of Criminal Justice Training, Funderburk Building, 521 Lancaster Avenue, Richmond, Kentucky 40475-3102, phone (859) 622-3073, fax (859) 622-5027.

CABINET FOR HEALTH AND FAMILY SERVICES
 Department for Medicaid Services
 Division of Policy and Operations
 (As Amended at ARRS, February 9, 2015)

907 KAR 15:040. Coverage provisions and requirements regarding targeted case management for individuals with a substance use disorder.

RELATES TO: KRS 205.520, 42 U.S.C. 1396a(a)(10)(B), 42 U.S.C. 1396a(a)(23)

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 42 U.S.C. 1396n(g).

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has a responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the coverage provisions and requirements regarding Medicaid Program targeted case management services for individuals ~~[Medicaid recipients]~~ with a substance use disorder.

Section 1. General Coverage Requirements. For the department to reimburse for a service covered under this administrative regulation, the service shall be:

(1) Medically necessary; and

(2) Provided:

(a) To a recipient; and

(b) By a provider that meets the provider participation requirements established in Section 3 of this administrative regulation.

Section 2. Eligibility Criteria. (1) To be eligible to receive targeted case management services under this administrative regulation, a recipient shall:

(a) [(1)] Have a primary moderate or severe substance use disorder diagnosis or co-occurring moderate or severe substance use disorder and mental health diagnoses ~~[diagnosis]~~ ~~[diagnoses]~~;

(b) [(2)] Have:

1. [(a)] A lack of access to the supports necessary to assist the recipient in the recipient's recovery ~~[supports]~~;

2. [(b)] A need for assistance with access to housing, vocational, medical, social, educational, or other community services and supports; or

3. [(c)] Involvement with one (1) or more child welfare or criminal justice agencies but not be an inmate of a public institution; and

(c) [(3)] Not be:

1. [(a)] Between the age of twenty-one (21) years and sixty-four (64) years while receiving services in an institution for mental diseases; or

2. [(b)] An inmate of a public institution.

(2) [(4)] A moderate or severe substance use disorder shall be a moderate or severe substance use disorder as defined in the current edition of the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders™.

(3) [(5)] A mental health diagnosis shall be a diagnosis of any mental health condition included in the current edition of the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders™.

Section 3. Provider Requirements. (1) (a) To be eligible to provide services under this administrative regulation, an individual, entity, or organization shall:

1. [(a)] Be currently enrolled in the Kentucky Medicaid Program in accordance with 907 KAR 1:672;

2. [(b)] Except as established in subsection (2) of this section, be currently participating in the Kentucky Medicaid Program in accordance with 907 KAR 1:671;

3. [(c)] Be:

a.[4.] A community mental health center[authorized to provide services pursuant to 907 KAR 1:044];

b.[2.] An individual or provider group authorized to provide behavioral health services pursuant to 907 KAR 15:010;[or]

c.[3.] A behavioral health services organization;

d. A Level I psychiatric residential treatment facility only if the recipient is under twenty-one (21) years of age;

e. A Level II psychiatric residential treatment facility only if the recipient is under twenty-one (21) years of age;

f. A chemical dependency treatment center;

g. An outpatient hospital; or

h. A psychiatric hospital[authorized to provide behavioral health services pursuant to 907 KAR 15:020]; and

4.[(d)] Have:

a.[1.] For each service it provides, the capacity to provide the full range of the service as established in this administrative regulation;

b. Documented[2. Demonstrated] experience in serving the population of individuals with behavioral health disorders relevant to the particular services provided;

c.[3.] The administrative capacity to ensure quality of services;

d.[4.] A financial management system that provides documentation of services and costs;

e.[5.] The capacity to document and maintain individual case records;

f. Documented[6. Demonstrated] programmatic and administrative experience in providing comprehensive case management services; and

g. Documented[7. Demonstrated] referral systems and linkages and referral ability with essential social and health services agencies.

(b) The documentation referenced in paragraph (a)4.b., f., and g. of this subsection shall be subject to audit by:

1. The department;

2. The Department for Behavioral Health, Developmental and Intellectual Disabilities;

3. The Cabinet for Health and Family Services, Office of Inspector General;

4. A managed care organization, if a targeted case manager provider is enrolled in its network;

5. The Centers for Medicare and Medicaid Services;

6. The Kentucky Office of the Auditor of Public Accounts;

or

7. The United States Department of Health and Human Services, Office of the Inspector General.

(2) In accordance with 907 KAR 17:015, Section 3(3), a targeted case management services provider which provides a service to an enrollee shall not be required to be currently participating in the fee-for-service Medicaid Program.

(3) A targeted case management services provider shall:

(a) Agree to provide services in compliance with federal and state laws regardless of age, sex, race, creed, religion, national origin, handicap, or disability; and

(b) Comply with the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and any amendments to the act.

Section 4. Case Manager Requirements. (1) A case manager shall:

(a) 1. Have at least a bachelor of arts or science[sciences] degree in a behavioral science including:

a.[4.] Psychology;

b.[2.] Sociology;

c.[3.] Social work;

d.[4.] Family studies;

e.[5.] Human services;

f.[6.] Counseling;

g.[7.] Nursing;

h. Behavioral analysis;

i. Public health;

j. Special education;

k. Gerontology;

l. Recreational therapy;

m. Education;

n. Occupational therapy;

o. Physical therapy;

p. Speech-language pathology;

q. Rehabilitation counseling; or

r. Faith-based education;[or]

2. Be a certified alcohol and drug counselor who has a bachelor of arts or science degree; or

3. As authorized pursuant to subsection (5) of this section, have:

a. Provided targeted case management services to a recipient any time from April 1, 2014 to the effective date of this administrative regulation; or

b. Supervised the provision of targeted case management services to a recipient any time from April 1, 2014 to the effective date of this administrative regulation[8. Another human service degree program approved by the department];

(b) Have successfully completed case management training pursuant to 908 KAR 2:260[approved by the Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID) within six (6) months of employment]; and

(c) Successfully complete continuing education requirements pursuant to 908 KAR 2:260[completed recertification requirements approved by DBHDID every three (3) years].

(2)(a) Supervision by a behavioral health professional who has completed case management training approved by DBHDID shall occur at least twice per month.

(b) At least one (1) of these supervisory contacts shall be on an individual basis and face-to-face.

(3)(a) Except as established in paragraph (b) of this subsection, a case manager shall have at least one (1) year of full-time employment working directly with individuals in a human service setting after completing the[educational] requirements established in subsection (1)(a) of this section.

(b) A master's degree in one (1) of the following behavioral science disciplines may be substituted[substitute] for the one (1) year of experience:

1. Psychology;

2. Sociology;

3. Social work;

4. Family studies;

5. Human services;

6. Counseling;

7. Nursing;[or]

8. Behavioral analysis;

9. Public health;

10. Special education;

11. Gerontology;

12. Recreational therapy;

13. Education;

14. Occupational therapy;

15. Physical therapy;

16. Speech-language pathology;

17. Rehabilitation counseling; or

18. Faith-based education[Another human service degree program approved by the department].

(4) A behavioral health professional shall be:

(a) An advanced practice registered nurse;

(b) A licensed clinical social worker;

(c) A licensed marriage and family therapist;

(d) A licensed professional clinical counselor;

(e) A licensed psychological practitioner;

(f) A licensed psychologist;

(g) A licensed professional art therapist;

(h) A physician;

(i) A psychiatrist;

(j) A behavioral health practitioner under supervision;

(k) A registered nurse working under the supervision of a physician or advanced practice registered nurse; or

(l) An individual with a bachelor's degree stated in subsection (1)(a)1. of this section[in a behavioral science program or other human service degree program approved by the department] who:

1. Is working under the supervision of a billing supervisor; and
2. Has at least five (5) years of documented full-time experience providing specialized case management services.

(5)(a) In order to be approved, a request for the targeted case manager qualification exemption established in subsection (1)(a)3. of this section shall be:

1. Submitted in writing to the department, or for an enrollee, to the managed care organization in which the enrollee is enrolled, with documentation of the individual's experience in:

a. Providing targeted case management services to a recipient; or

b. Supervising the provision of targeted case management services to a recipient; and

2. Received by the department or managed care organization no later than June 30, 2015.

(b) The department or managed care organization shall not grant any exemption pursuant to subsection (1)(a)3. of this section that it receives after June 30, 2015.

Section 5. Freedom of Choice of Provider. (1) A recipient shall have the freedom to choose from which:

- (a) Case manager to receive services within the recipient's geographic area identified in the recipient's care plan; and
- (b) Provider of non-targeted case management Medicaid covered services to receive services.

(2) A case manager shall not have the authority to authorize or deny the provision of non-targeted case management Medicaid covered services to a recipient.

(3) A recipient shall not be required to receive targeted case management services as a condition of receiving non-targeted case management Medicaid-covered services.

Section 6. Covered Services. (1) Targeted case management services covered under this administrative regulation shall:

- (a) Be services furnished to assist a recipient in gaining access to needed medical, social, educational, or other services; and
- (b) Include:

1. A comprehensive assessment and periodic reassessments of the recipient's needs to determine the need for any medical, educational, social, or other services;

2. The development and periodic revision of a specific care plan for the recipient;

3. A referral or related activities to help the recipient obtain needed services;

4. Monitoring or follow-up activities; or

5. Contacts with non-recipients who are directly related to help with identifying the recipient's needs and care for the purpose of:

- a. Helping the recipient access services;
- b. Identifying supports necessary to enable the recipient to obtain services;
- c. Providing a case manager with useful input regarding the recipient's past or current functioning, symptoms, adherence to treatment, or other information relevant to the recipient's behavioral health condition; or
- d. Alerting a case manager to a change in the recipient's needs.

(2)(a) An assessment or reassessment shall include:

1. Taking the recipient's history;
2. Identifying the recipient's strengths and needs and completing related documentation; and
3. Gathering information from other sources including family members, medical providers, social workers, or educators, to form a complete assessment of the recipient.

(b) A face-to-face assessment or reassessment shall be completed:

1. At least annually; or
2. More often if needed based on changes in the recipient's condition.

(3) The development and periodic revision of the recipient's care plan shall:

- (a) Specify the goals and actions to address the medical, social, educational, or other services needed by the recipient;

(b) Include ensuring the active participation of the recipient and working with the recipient, the recipient's authorized health care decision maker, or others to develop the goals; **and[or]**

(c) Identify a course of action to respond to the assessed needs of the recipient.

(4) A referral or related activities shall include activities that help link the recipient with medical providers, social providers, educational providers, or other programs and services that are capable of providing needed services to:

(a) Address the identified needs; and

(b) Achieve goals specified in the care plan.

(5)(a) Monitoring and follow-up activities shall:

1. Be activities and contacts that:

a. Are necessary to ensure that the recipient's care plan is implemented;

b. Adequately address the recipient's strengths and needs; and

c. May be with the recipient, the recipient's family members, the recipient's service providers, or other entities or individuals;

2. Be conducted as frequently as necessary; and

3. Include making necessary adjustments in the recipient's care plan and service arrangements with providers.

(b) Monitoring shall:

1. Occur at least once every three (3) months;

2. Be face-to-face; and

3. Determine if:

a. The services are being furnished in accordance with the recipient's care plan;

b. The services in the recipient's care plan are adequate to meet the recipient's needs; and

c. Changes in the needs or status of the recipient are reflected in the care plan.

Section 7. No Duplication of Service. (1) The department shall not pay for targeted case management services which duplicate services provided by another public agency or a private entity.

(2)(a) The department shall not reimburse for a service provided to a recipient by more than one (1) provider of any program in which the **same** service is covered during the same time period.

(b) For example, if a recipient is receiving targeted case management service from an independent behavioral health provider, the department shall not reimburse for targeted case management services provided to the same recipient during the same time period by a behavioral health services organization.

Section 8. Exclusions and Limits. (1) Targeted case management services shall not include services defined in 42 C.F.R. 440.169 if the activities:

(a) Are an integral and inseparable component of another covered Medicaid service; or

(b) Constitute the direct delivery of underlying medical, educational, social, or other services to which an eligible recipient has been referred, including:

1. Foster care programs;

2. Research gathering and completing documentation required by the foster care program;

3. Assessing adoption placements;

4. Recruiting or interviewing potential foster care parents;

5. Serving legal papers;

6. Home investigations;

7. Providing transportation;

8. Administering foster care subsidies; or

9. Making placement arrangements.

(2) A recipient who is receiving case management services under a 1915(c) home and community based waiver program shall not be eligible to receive targeted case management services under this administrative regulation.

(3) An individual who provides targeted case management to a recipient shall not provide any **other** Medicaid covered service **to the recipient[other than targeted case management]**.

(4)(a) Beginning October 1, 2015, except as established in paragraph (c) of this subsection, if an individual provides targeted case management services to a recipient, the

maximum number of recipients to whom the individual may provide services at any point in time, whether targeted case management services or other services, shall be twenty-five (25).

(b) As an example of the limit established in paragraph (a) of this subsection, if an individual provides targeted case management services to ten (10) recipients, the individual may provide individual outpatient therapy to no more than fifteen (15) other recipients at the same time.

(c) The limit established in paragraph (a) of this subsection shall not apply to:

1. Mobile crisis services;

2. Crisis intervention services; or

3. Screenings[The maximum number of recipients to whom a targeted case manager shall provide targeted case management services at any given time shall be as established in 908 KAR 2:260].

Section 9. Records Maintenance, Documentation, Protection, and Security. (1) A targeted case management services provider shall maintain a current case record for each recipient.

(2)(a) A case record shall document each service provided to the recipient including the date of the service and the signature of the individual who provided the service.

(b) The individual who provided the service shall date and sign the case record within forty-eight (48) hours from[on] the date that the individual provided the service.

(3) A case record shall:

(a) Include:

1. The recipient's name;

2. The time and date corresponding to each occasion in which a[~~targeted case management~~] service was provided to the recipient;

3. The name of the targeted case management services:

a. Provider agency, if an agency; and

b. Practitioner who provided the targeted case management services;

4. The nature, content, and contacts that occurred regarding[units of] the targeted case management services provided;

5. Whether or not goals in the recipient's care plan have been achieved;

6. Whether~~[or not]~~ the recipient has declined to receive any services in the recipient's care plan;

7. A timeline for obtaining needed services; and

8. A timeline for reevaluating the recipient's care plan; and

(b) Be:

1. Maintained in an organized and secure central file;

2. Furnished upon request:

a. To the Cabinet for Health and Family Services; or

b. For an enrollee, to the managed care organization in which the recipient is enrolled or has been enrolled in the past if applicable;

3. Made available for inspection and copying by:

a. Cabinet for Health and Family Services' personnel; or

b. Personnel of the managed care organization in which the recipient is enrolled if applicable;

4. Readily accessible; and

5. Adequate for the purpose of establishing the current treatment modality and progress of the recipient.

(4)(a) A discharge summary shall:

1. Be required, at the time a decision is made that services are terminated[upon termination of services], for each recipient who received at least three (3) service visits; and

2. Contain a summary of the significant findings and events during the course of treatment including the:

a. Final assessment regarding the progress of the recipient toward reaching goals and objectives established in the recipient's care plan; and

b. Recipient's condition upon termination and disposition.

(b) A case record relating to a recipient who was terminated from receiving services shall be fully completed within ten (10) business days following termination.

(5) If a recipient's case is reopened within ninety (90) calendar days of terminating services for the same or related issue, a reference to the prior case history with a note regarding the interval period shall be acceptable.

(6) If a recipient is transferred or referred to a health care facility or other provider for care or treatment, the transferring targeted case management services provider shall, within ten (10) business days of awareness of the transfer or referral, transfer the recipient's records in a manner that complies with the records' use and disclosure requirements as established in or required by:

(a)~~[1.]~~ The Health Insurance Portability and Accountability Act codified as 45 C.F.R. Parts 160, 162, and 164;

(b)[2.] 42 U.S.C. 1320d-2 to 1320d-8; and

(c)[3.] 45 C.F.R. Parts 160 and 164; or

(b)1. 42 U.S.C. 290ee-3; and

2.] 42 C.F.R. Part 2.

(7)(a) If a targeted case management services provider's Medicaid Program participation status changes as a result of voluntarily terminating from the Medicaid Program, involuntarily terminating from the Medicaid Program, a licensure suspension, or death of an owner or deaths of owners, the case records of the targeted case management services provider shall:

1. Remain the property of the targeted case management services provider; and

2. Be subject to the retention requirements established in subsection (8) of this section.

(b) A targeted case management services provider shall have a written plan addressing how to maintain case records in the event of an owner's death or owners' deaths.

(8)(a) Except as established in paragraph (b) or (c) of this subsection, a targeted case management services provider shall maintain a case record regarding a recipient for at least six (6) years from the last date of the service or until any audit dispute or issue is resolved beyond six (6) years.

(b) After a recipient's death or discharge from services, a provider shall maintain the recipient's record for the longer[longest] of the following periods:

1. Six (6) years unless the recipient is a minor; or

2. If the recipient is a minor, three (3) years after the recipient reaches the age of majority under state law.

(c) If the Secretary of the United States Department of Health and Human Services requires a longer document retention period than the period referenced in paragraph (a) of this subsection, pursuant to 42 C.F.R. 431.17, the period established by the secretary shall be the required period.

(9)(a) A targeted case management services provider shall comply with 45 C.F.R. Part 164.

(b) All information contained in a case record shall:

1. Be treated as confidential;

2. Not be disclosed to an unauthorized individual; and

3. Be disclosed to an authorized representative of the:

a. Department;~~[or]~~

b. Federal government; or

c. For an enrollee, managed care organization in which the enrollee is enrolled.

(c)1. Upon request, a targeted case management services provider shall provide to an authorized representative of the department,~~[or]~~ federal government, or managed care organization if applicable, information requested to substantiate:

a. Staff notes detailing a service that was rendered;

b. The professional who rendered a service; and

c. The type of service rendered and any other requested information necessary to determine, on an individual basis, whether the service is reimbursable by the department.

2. Failure to provide information referenced in subparagraph 1 of this paragraph shall result in denial of payment for any service associated with the requested information.

Section 10. Medicaid Program Participation Compliance. (1) A targeted case management services provider shall comply with:

(a) 907 KAR 1:671;

(b) 907 KAR 1:672; and

(c) All applicable state and federal laws.

(2)(a) If a targeted case management services provider receives any duplicate payment or overpayment from the department, regardless of reason, the targeted case management services provider shall return the payment to the department.

(b) Failure to return a payment to the department in accordance with paragraph (a) of this subsection may be:

1. Interpreted to be fraud or abuse; and
2. Prosecuted in accordance with applicable federal or state law.

(3)(a) When the department makes payment for a covered service and the targeted case management services provider accepts the payment:

1. The payment shall be considered payment in full;
2. A bill for the same service shall not be given to the recipient; and

3. Payment from the recipient for the same service shall not be accepted by the provider.

(b)1. A targeted case management services provider may bill a recipient for a service that is not covered by the Kentucky Medicaid Program if the:

- a. Recipient requests the service; and
- b. Targeted case management services provider makes the recipient aware in advance of providing the service that the:
 - (i) Recipient is liable for the payment; and
 - (ii) Department is not covering the service.

2. If a recipient makes payment for a service in accordance with subparagraph 1 of this paragraph, the:

- a. Targeted case management services provider shall not bill the department for the service; and
- b. Department shall not:

(i) Be liable for any part of the payment associated with the service; and

- (ii) Make any payment to the targeted case management services provider regarding the service.

(4)(a) A targeted case management services provider attests by the targeted case management services provider signature that any claim associated with a service is valid and submitted in good faith.

(b) Any claim and substantiating record associated with a service shall be subject to audit by the:

1. Department or its designee;
2. Cabinet for Health and Family Services, Office of Inspector General or its designee;
3. Kentucky Office of Attorney General or its designee;
4. Kentucky Office of the Auditor for Public Accounts or its designee;~~[or]~~
5. United States General Accounting Office or its designee; or

6. For an enrollee, managed care organization in which the enrollee is enrolled.

(c)1. If a targeted case management services provider receives a request from the:

- a.1.] Department to provide a claim, related information, related documentation, or record for auditing purposes, the targeted case management services provider shall provide the requested information to the department within the timeframe requested by the department; or

b.2.] Managed care organization in which an enrollee is enrolled to provide a claim, related information, related documentation, or record for auditing purposes, the targeted case management services provider shall provide the requested information to the managed care organization within the timeframe requested by the managed care organization.

2.a. The timeframe requested by the department or managed care organization for a targeted case management services provider to provide requested information shall be:

- (i) A reasonable amount of time given the nature of the request and the circumstances surrounding the request; and**
- (ii) A minimum of one (1) business day.**

b. A targeted case management services provider may request a longer timeframe to provide information to the department or a managed care organization if the targeted case management services provider justifies the need for a

longer timeframe.

(d)1. All services provided shall be subject to review for recipient or provider abuse.

2. Willful abuse by a targeted case management services provider shall result in the suspension or termination of the targeted case management services provider from Medicaid Program participation.

Section 11. Third Party Liability. (1) A targeted case management services provider shall comply with KRS 205.622.

(2) If a third party is liable to pay for targeted case management services, the department shall not pay for the services.

Section 12. Use of Electronic Signatures. (1) The creation, transmission, storage, and other use of electronic signatures and documents shall comply with the requirements established in KRS 369.101 to 369.120.

(2) A targeted case management services provider that chooses to use electronic signatures shall:

(a) Develop and implement a written security policy that shall:

1. Be adhered to by each of the targeted case management services provider's employees, officers, agents, or contractors;
2. Identify each electronic signature for which an individual has access; and

3. Ensure that each electronic signature is created, transmitted, and stored in a secure fashion;

(b) Develop a consent form that shall:

1. Be completed and executed by each individual using an electronic signature;
2. Attest to the signature's authenticity; and
3. Include a statement indicating that the individual has been notified of his or her responsibility in allowing the use of the electronic signature; and

(c) Provide the department, immediately upon request, with:

1. A copy of the targeted case management services provider's electronic signature policy;
2. The signed consent form; and
3. The original filed signature.

Section 13. Auditing Authority. The department or the managed care organization in which an enrollee is enrolled shall have the authority to audit any:

- (1) Claim;
- (2) Medical record; or
- (3) Documentation associated with any claim or medical record.

Section 14. Federal Approval and Federal Financial Participation. The department's coverage of services pursuant to this administrative regulation shall be contingent upon:

- (1) Receipt of federal financial participation for the coverage; and
- (2) Centers for Medicare and Medicaid Services' approval for the coverage.

Section 15. Appeals. (1) An appeal of an adverse action by the department regarding a service and a recipient who is not enrolled with a managed care organization shall be in accordance with 907 KAR 1:563.

(2) An appeal of an adverse action by a managed care organization regarding a service and an enrollee shall be in accordance with 907 KAR 17:010.

LAWRENCE KISSNER, Commissioner

AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: January 9, 2015

FILED WITH LRC: January 13, 2015 at 3 p.m.

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CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Policy and Operations
(As Amended at ARRS, February 9, 2015)

907 KAR 15:050. Coverage provisions and requirements regarding targeted case management for individuals with a[co-occurring] mental health or substance use disorder[disorders] and chronic or complex physical health issues.

RELATES TO: KRS 205.520, 42 U.S.C. 1396a(a)(10)(B), 42 U.S.C. 1396a(a)(23)

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 42 U.S.C. 1396n(g).

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has a responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the coverage provisions and requirements regarding Medicaid Program targeted case management services for individuals[Medicaid-recipients] with a co-occurring mental health or substance use disorder[disorders] and chronic or complex physical health issues.

Section 1. General Coverage Requirements. For the department to reimburse for a service covered under this administrative regulation, the service shall be:

(1) Medically necessary; and

(2) Provided:

(a) To a recipient; and

(b) By a provider that meets the provider participation requirements established in Section 3 of this administrative regulation.

Section 2. Eligibility Criteria. (1) To be eligible for targeted case management services under this administrative regulation, a recipient shall:

(a) 1. Have a:

a. Primary moderate or severe substance use disorder diagnosis; or

b. [(b) Have a] Severe mental illness;

2. [(c) Be a child with a severe emotional disability as defined in KRS 200.503(2);

(d)] Have a chronic or complex physical health issue;

3. [(e)] Not be:

a. [1.] Over the age of twenty-one (21) years and under the age of sixty-four (64) years while receiving services in an institution for mental diseases; or

b. [2.] An inmate of a public institution; and

4. a. [(f) 1.] Need assistance with access to:

(i) [a.] Housing; or

(ii) [b.] Vocational, medical, social, educational, or other community services or supports;

b. [2.] Have been involved with at least one (1) child welfare agency or criminal justice agency; or

c. [3.] Be:

(i) [a.] In the custody of the Department for Community Based Services;

(ii) [b.] At risk of an out-of-home placement; or

(iii) [c.] At risk of inpatient mental health treatment; or

(b) 1. Be a child with a severe emotional disability as defined in KRS 200.503(3);

2. Have a chronic or complex physical health issue; and

3. a. Need assistance with access to:

(i) Housing; or

(ii) Vocational, medical, social, educational, or other community services or supports;

b. Have been involved with at least one (1) child welfare agency or criminal justice agency; or

c. Be:

(i) In the custody of the Department for Community Based Services;

(ii) At risk of an out-of-home placement; or

(iii) At risk of inpatient mental health treatment.

(2)(a) A severe mental illness shall be a diagnosis of a major mental disorder as included in the current edition of the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders™ under:

1. Schizophrenia spectrum and other psychiatric disorders;

2. Bipolar and related disorders;

3. Depressive disorders; or

4. Post-traumatic stress disorders (under trauma and stressor related disorders)]; and

5. Personality disorders].

(b) A recipient's information and history, for the purpose of determining if the recipient has a severe mental illness, shall indicate that the recipient exhibits persistent disability and significant impairment in major areas of community living.

(c) In addition to the requirements established in paragraphs[paragraph] (a) and (b) of this subsection, to qualify as having a severe mental illness, a recipient shall:

1. Have clinically significant symptoms which have persisted for a continuous period of at least two (2) years; or

2. a. Have been hospitalized for mental illness more than once within the past two (2) years; and

b. Be significantly impaired in the ability to function socially or occupationally or both.

(3) A moderate or severe substance use disorder shall be a moderate or severe substance use disorder as defined in the current edition of the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders™.

(4)(a) A chronic or complex physical health issue shall include:

1. A cardiovascular disorder;

2. A respiratory disorder;

3. A genito urinary disorder;

4. An endocrine disorder;

5. A musculoskeletal disorder;

6. A neurological disorder;

7. An immune system disorder;

8. Obesity;

9. Cancer;

10. Deafness; or

11. Blindness.

(b) In addition to meeting the requirement established in paragraph (a) of this subsection, to qualify as having a chronic or complex physical health issue, a recipient shall:

1. Have clinically significant symptoms which have persisted for a continuous period of at least two (2) years; or

2. a. Have been hospitalized as a result of the individual's physical health issue more than once within the past two (2) years; and

b. Be currently impaired in the ability to function socially or occupationally or both.

(c) Documentation of a recipient's chronic or complex physical health diagnosis that is signed and dated by a qualified medical professional shall be present in the recipient's medical record.

Section 3. Provider Requirements. (1)(a) To be eligible to provide services under this administrative regulation, an individual, entity, or organization shall:

1. [(a)] Be currently enrolled in the Kentucky Medicaid Program in accordance with 907 KAR 1:672;

2. [(b)] Except as established in subsection (2) of this section, be currently participating in the Kentucky Medicaid Program in accordance with 907 KAR 1:671;

3. [(c)] Be:

a. [1.] A community mental health center [authorized—to provide services pursuant to 907 KAR 1:044];

b. [2.] An individual or provider group authorized to provide behavioral health services pursuant to 907 KAR 15:010; or

c.[3.] A behavioral health services organization;
d. A Level I psychiatric residential treatment facility only if the recipient is under twenty-one (21) years of age;
e. A Level II psychiatric residential treatment facility only if the recipient is under twenty-one (21) years of age;
f. A chemical dependency treatment center only if the recipient has a substance use disorder;

g. An outpatient hospital; or
h. A psychiatric hospital[authorized to provide behavioral health services pursuant to 907 KAR 15:020]; and

4.[(d)] Have:

a.[4.] For each service it provides, the capacity to provide the full range of the service as established in this administrative regulation;

b. Documented[2.—Demonstrated] experience in serving the population of individuals with behavioral health disorders relevant to the particular services provided;

c.[3.] The administrative capacity to ensure quality of services;

d.[4.] A financial management system that provides documentation of services and costs;

e.[5.] The capacity to document and maintain individual case records;

f. Documented[6.—Demonstrated] programmatic and administrative experience in providing comprehensive case management services; and

g. Documented[7.—Demonstrated] referral systems and linkages and referral ability with essential social and health services agencies.

(b) The documentation referenced in paragraph (a)4.b., f., and g. of this subsection shall be subject to audit by:

1. The department;

2. The Department for Behavioral Health, Developmental and Intellectual Disabilities;

3. The Cabinet for Health and Family Services, Office of Inspector General;

4. A managed care organization, if a targeted case manager provider is enrolled in its network;

5. The Centers for Medicare and Medicaid Services;

6. The Kentucky Office of the Auditor of Public Accounts;

or

7. The United States Department of Health and Human Services, Office of the Inspector General.

(2) In accordance with 907 KAR 17:015, Section 3(3), a targeted case management services provider which provides a service to an enrollee shall not be required to be currently participating in the fee-for-service Medicaid Program.

(3) A targeted case management services provider shall:

(a) Agree to provide services in compliance with federal and state laws regardless of age, sex, race, creed, religion, national origin, handicap, or disability; and

(b) Comply with the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and any amendments to the act.

Section 4. Case Manager Requirements. (1) A case manager shall:

(a)1. Have at least a bachelor of arts or science[sciences] degree in a behavioral science including:

a.[1.] Psychology;

b.[2.] Sociology;

c.[3.] Social work;

d.[4.] Family studies;

e.[5.] Human services;

f.[6.] Counseling;

g.[7.] Nursing;

h. Behavioral analysis;

i. Public health;

j. Special education;

k. Gerontology;

l. Recreational therapy;

m. Education;

n. Occupational therapy;

o. Physical therapy;

p. Speech-language pathology;

q. Rehabilitation counseling; or

r. Faith-based education;[or]

2. Be a certified alcohol and drug counselor who has a bachelor of arts or science degree; or

3. As authorized pursuant to subsection (5) of this section, have:

a. Provided targeted case management services to a recipient any time from April 1, 2014 to the effective date of this administrative regulation; or

b. Supervised the provision of targeted case management services to a recipient any time from April 1, 2014 to the effective date of this administrative regulation[8.—Another human service degree program approved by the department];

(b) Have successfully completed case management training pursuant to 908 KAR 2:260[approved by the Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID) within six (6) months of employment]; and

(c) Successfully complete continuing education requirements pursuant to 908 KAR 2:260[completed recertification requirements approved by DBHDID every three (3) years].

(2)(a) Supervision by a behavioral health professional who has completed case management training approved by DBHDID shall occur at least twice per month.

(b) At least one (1) of these supervisory contacts shall be on an individual basis and face-to-face.

(3)(a) Except as established in paragraph (b) of this subsection, a case manager shall have at least one (1) year of full-time employment working directly with individuals in a human service setting after completing the[educational] requirements established in subsection (1)(a) of this section.

(b) A master's degree in one (1) or more of the following behavioral science disciplines may be substituted[substitute] for the one (1) year of experience:

1. Psychology;

2. Sociology;

3. Social work;

4. Family studies;

5. Human services;

6. Counseling;

7. Nursing;[or]

8. Behavioral analysis;

9. Public health;

10. Special education;

11. Gerontology;

12. Recreational therapy;

13. Education;

14. Occupational therapy;

15. Physical therapy;

16. Speech-language pathology;

17. Rehabilitation counseling; or

18. Faith-based education[Another human service degree program approved by the department].

(4) A behavioral health professional shall be:

(a) An advanced practice registered nurse;

(b) A licensed clinical social worker;

(c) A licensed marriage and family therapist;

(d) A licensed professional clinical counselor;

(e) A licensed psychological practitioner;

(f) A licensed psychologist;

(g) A licensed professional art therapist;

(h) A physician;

(i) A psychiatrist;

(j) A behavioral health practitioner under supervision except that a certified alcohol and drug counselor shall not be considered a behavioral health professional for the purpose of providing targeted case management to an individual unless the individual has a substance use disorder[with a complex or chronic physical health issue];

(k) A registered nurse working under the supervision of a physician or advanced practice registered nurse; or

(l) An individual with a bachelor's degree stated in subsection (1)(a)1. of this section[—in a behavioral science program or

~~other human service degree program approved by the department]~~ who:

1. Is working under the supervision of a billing supervisor; and
2. Has at least five (5) years of documented full-time experience providing specialized case management services for the target population.

(5)(a) In order to be approved, a request for the targeted case manager qualification exemption established in subsection (1)(a)3. of this section shall be:

1. Submitted in writing to the department, or for an enrollee, to the managed care organization in which the enrollee is enrolled, with documentation of the individual's experience in:

a. Providing targeted case management services to a recipient; or

b. Supervising the provision of targeted case management services to a recipient; and

2. Received by the department or managed care organization no later than June 30, 2015.

(b) The department or managed care organization shall not grant any exemption pursuant to subsection (1)(a)3. of this section that it receives after June 30, 2015.

Section 5. Freedom of Choice of Provider. (1) A recipient shall have the freedom to choose from which:

- (a) Case manager to receive services within the recipient's geographic area identified in the recipient's care plan; and
- (b) Provider of non-targeted case management Medicaid covered services to receive services.

(2) A case manager shall not have the authority to authorize or deny the provision of non-targeted case management Medicaid covered services to a recipient.

(3) A recipient shall not be required to receive targeted case management services as a condition of receiving non-targeted case management Medicaid-covered services.

Section 6. Covered Services. (1) Targeted case management services covered under this administrative regulation shall:

- (a) Be services furnished to assist a recipient in gaining access to needed medical, social, educational, or other services; and
- (b) Include:

1. A comprehensive assessment and periodic reassessments of the recipient's needs to determine the need for any medical, educational, social, or other services;

2. The development and periodic revision of a specific care plan for the recipient;

3. A referral or related activities to help the recipient obtain needed services;

4. Monitoring or follow-up activities; or

5. Contacts with non-recipients who are directly related to help with identifying the recipient's needs and care for the purpose of:

- a. Helping the recipient access services;

- b. Identifying supports necessary to enable the recipient to obtain services;

- c. Providing a case manager with useful input regarding the recipient's past or current functioning, symptoms, adherence to treatment, or other information relevant to the recipient's behavioral health condition; or

- d. Alerting a case manager to a change in the recipient's needs.

(2)(a) An assessment or reassessment shall include:

1. Taking the recipient's history;

2. Identifying the recipient's strengths and needs and completing related documentation; and

3. Gathering information from other sources including family members, medical providers, social workers, or educators, to form a complete assessment of the recipient.

(b) A face-to-face assessment or reassessment shall be completed:

1. At least annually; or

2. More often if needed based on changes in the recipient's condition.

(3) The development and periodic revision of the recipient's

care plan shall:

- (a) Specify the goals and actions to address the medical, social, educational, or other services needed by the recipient;

- (b) Include ensuring the active participation of the recipient and working with the recipient, the recipient's authorized health care decision maker, or others to develop the goals; **and/or]**

- (c) Identify a course of action to respond to the assessed needs of the recipient.

(4) A referral or related activities shall include activities that help link the recipient with medical providers, social providers, educational providers, or other programs and services that are capable of providing needed services to:

- (a) Address the identified needs; and

- (b) Achieve goals specified in the care plan.

(5)(a) Monitoring and follow-up activities shall:

1. Be activities and contacts that:

- a. Are necessary to ensure that the recipient's care plan is implemented;

- b. Adequately address the recipient's strengths and needs; and

- c. May be with the recipient, the recipient's family members, the recipient's service providers, or other entities or individuals;

2. Be conducted as frequently as necessary; and

3. Include making necessary adjustments in the recipient's care plan and service arrangements with providers.

(b) Monitoring shall:

1. Occur at least once every three (3) months;

2. Be face-to-face; and

3. Determine if:

- a. The services are being furnished in accordance with the recipient's care plan;

- b. The services in the recipient's care plan are adequate to meet the recipient's needs; and

- c. Changes in the needs or status of the recipient are reflected in the care plan.

Section 7. No Duplication of Service. (1) The department shall not pay for targeted case management services which duplicate services provided by another public agency or a private entity.

(2)(a) The department shall not reimburse for a service provided to a recipient by more than one (1) provider of any program in which the **same** service is covered during the same time period.

(b) For example, if a recipient is receiving targeted case management service from an independent behavioral health provider, the department shall not reimburse for targeted case management services provided to the same recipient during the same time period by a behavioral health services organization.

Section 8. Exclusions and Limits. (1) Targeted case management services shall not include services defined in 42 C.F.R. 440.169 if the activities:

- (a) Are an integral and inseparable component of another covered Medicaid service; or

- (b) Constitute the direct delivery of underlying medical, educational, social, or other services to which an eligible recipient has been referred, including:

1. Foster care programs;

2. Research gathering and completing documentation required by the foster care program;

3. Assessing adoption placements;

4. Recruiting or interviewing potential foster care parents;

5. Serving legal papers;

6. Home investigations;

7. Providing transportation;

8. Administering foster care subsidies; or

9. Making placement arrangements.

(2) A recipient who is receiving case management services under a 1915(c) home and community based waiver program shall not be eligible to receive targeted case management services under this administrative regulation.

(3) An individual who provides targeted case management to a recipient shall not provide any **other** Medicaid covered service **to the[other than targeted case management to any]** recipient.

(4)(a) Beginning October 1, 2015, except as established in paragraph (c) of this subsection, if an individual provides targeted case management services to a recipient, the maximum number of recipients to whom the individual may provide services at any point in time, whether targeted case management services or other services, shall be twenty-five (25).

(b) As an example of the limit established in paragraph (a) of this subsection, if an individual provides targeted case management services to ten (10) recipients, the individual may provide individual outpatient therapy to no more than fifteen (15) other recipients at the same time.

(c) The limit established in paragraph (a) of this subsection shall not apply to:

1. Mobile crisis services;

2. Crisis intervention services; or

3. Screenings. The maximum number of recipients to whom a targeted case manager shall provide targeted case management services at any given time shall be as established in 908 KAR 2:260.

Section 9. Records Maintenance, Documentation, Protection, and Security. (1) A targeted case management services provider shall maintain a current case record for each recipient.

(2)(a) A case record shall document each service provided to the recipient including the date of the service and the signature of the individual who provided the service.

(b) The individual who provided the service shall date and sign the case record within forty-eight (48) hours from~~on~~ the date that the individual provided the service.

(3) A case record shall:

(a) Include:

1. The recipient's name;

2. The time and date corresponding to each occasion in which a service was provided to the recipient;

3. The name of the targeted case management services:

a. Provider agency, if an agency; and

b. Practitioner who provided the targeted case management services;

4. The nature, content, and contacts that occurred regarding~~units of~~ the targeted case management services provided;

5. Whether goals in the recipient's care plan have been achieved;

6. Whether the recipient has declined to receive any services in the recipient's care plan;

7. A timeline for obtaining needed services; and

8. A timeline for reevaluating the recipient's care plan; and

(b) Be:

1. Maintained in an organized and secure central file;

2. Furnished upon request:

a. To the Cabinet for Health and Family Services; or

b. For an enrollee, to the managed care organization in which the recipient is enrolled or has been enrolled in the past if applicable;

3. Made available for inspection and copying by:

a. Cabinet for Health and Family Services' personnel; or

b. Personnel of the managed care organization in which the recipient is enrolled if applicable;

4. Readily accessible; and

5. Adequate for the purpose of establishing the current treatment modality and progress of the recipient.

(4)(a) A discharge summary shall:

1. Be required, at the time a decision is made that services are terminated~~upon termination of services~~, for each recipient who received at least three (3) service visits; and

2. Contain a summary of the significant findings and events during the course of treatment including the:

a. Final assessment regarding the progress of the recipient toward reaching goals and objectives established in the recipient's care plan; and

b. Recipient's condition upon termination and disposition.

(b) A case record relating to a recipient who was terminated

from receiving services shall be fully completed within ten (10) business days following termination.

(5) If a recipient's case is reopened within ninety (90) calendar days of terminating services for the same or related issue, a reference to the prior case history with a note regarding the interval period shall be acceptable.

(6) If a recipient is transferred or referred to a health care facility or other provider for care or treatment, the transferring targeted case management services provider shall, within ten (10) business days of awareness of the transfer or referral, transfer the recipient's records in a manner that complies with the records' use and disclosure requirements as established in or required by:

(a) ~~[1.]~~ The Health Insurance Portability and Accountability Act codified as 45 C.F.R. Parts 160, 162, and 164;

~~(b) [2.]~~ 42 U.S.C. 1320d-2 to 1320d-8; and

~~(c) [3-45 C.F.R. Parts 160 and 164; or~~

~~(b) 1. 42 U.S.C. 290ee-3; and~~

~~2.]~~ 42 C.F.R. Part 2.

(7)(a) If a targeted case management services provider's Medicaid Program participation status changes as a result of voluntarily terminating from the Medicaid Program, involuntarily terminating from the Medicaid Program, a licensure suspension, or death of an owner or deaths of owners, the case records of the targeted case management services provider shall:

1. Remain the property of the targeted case management services provider; and

2. Be subject to the retention requirements established in subsection (8) of this section.

(b) A targeted case management services provider shall have a written plan addressing how to maintain case records in the event of an owner's death or owners' deaths.

(8)(a) Except as established in paragraph (b) or (c) of this subsection, a targeted case management services provider shall maintain a case record regarding a recipient for at least six (6) years from the last date of the service or until any audit dispute or issue is resolved beyond six (6) years.

(b) After a recipient's death or discharge from services, a provider shall maintain the recipient's record for the longer~~longest~~ of the following periods:

1. Six (6) years unless the recipient is a minor; or

2. If the recipient is a minor, three (3) years after the recipient reaches the age of majority under state law.

(c) If the Secretary of the United States Department of Health and Human Services requires a longer document retention period than the period referenced in paragraph (a) of this subsection, pursuant to 42 C.F.R. 431.17, the period established by the secretary shall be the required period.

(9)(a) A targeted case management services provider shall comply with 45 C.F.R. Part 164.

(b) All information contained in a case record shall:

1. Be treated as confidential;

2. Not be disclosed to an unauthorized individual; and

3. Be disclosed to an authorized representative of the:

a. Department;~~or~~

b. Federal government; or

c. For an enrollee, managed care organization in which the enrollee is enrolled.

(c) 1. Upon request, a targeted case management services provider shall provide to an authorized representative of the department,~~or~~ federal government, or managed care organization if applicable, information requested to substantiate:

a. Staff notes detailing a service that was rendered;

b. The professional who rendered a service; and

c. The type of service rendered and any other requested information necessary to determine, on an individual basis, whether the service is reimbursable by the department.

2. Failure to provide information referenced in subparagraph 1 of this paragraph shall result in denial of payment for any service associated with the requested information.

Section 10. Medicaid Program Participation Compliance. (1) A targeted case management services provider shall comply with:

(a) 907 KAR 1:671;

(b) 907 KAR 1:672; and

(c) All applicable state and federal laws.

(2)(a) If a targeted case management services provider receives any duplicate payment or overpayment from the department, regardless of reason, the targeted case management services provider shall return the payment to the department.

(b) Failure to return a payment to the department in accordance with paragraph (a) of this subsection may be:

1. Interpreted to be fraud or abuse; and

2. Prosecuted in accordance with applicable federal or state law.

(3)(a) When the department makes payment for a covered service and the targeted case management services provider accepts the payment:

1. The payment shall be considered payment in full;

2. A bill for the same service shall not be given to the recipient; and

3. Payment from the recipient for the same service shall not be accepted by the provider.

(b)1. A targeted case management services provider may bill a recipient for a service that is not covered by the Kentucky Medicaid Program if the:

a. Recipient requests the service; and

b. Targeted case management services provider makes the recipient aware in advance of providing the service that the:

(i) Recipient is liable for the payment; and

(ii) Department is not covering the service.

2. If a recipient makes payment for a service in accordance with subparagraph 1 of this paragraph, the:

a. Targeted case management services provider shall not bill the department for the service; and

b. Department shall not:

(i) Be liable for any part of the payment associated with the service; and

(ii) Make any payment to the targeted case management services provider regarding the service.

(4)(a) A targeted case management services provider attests by the targeted case management services provider signature that any claim associated with a service is valid and submitted in good faith.

(b) Any claim and substantiating record associated with a service shall be subject to audit by the:

1. Department or its designee;

2. Cabinet for Health and Family Services, Office of Inspector General or its designee;

3. Kentucky Office of Attorney General or its designee;

4. Kentucky Office of the Auditor for Public Accounts or its designee;~~or~~

5. United States General Accounting Office or its designee; or

6. For an enrollee, managed care organization in which the enrollee is enrolled.

(c)1. If a targeted case management services provider receives a request from the:

a.1.] Department to provide a claim, related information, related documentation, or record for auditing purposes, the targeted case management services provider shall provide the requested information to the department within the timeframe requested by the department; or

b.2.] Managed care organization in which an enrollee is enrolled to provide a claim, related information, related documentation, or record for auditing purposes, the targeted case management services provider shall provide the requested information to the managed care organization within the timeframe requested by the managed care organization.

2.a. The timeframe requested by the department or managed care organization for a targeted case management services provider to provide requested information shall be:

(i) A reasonable amount of time given the nature of the request and the circumstances surrounding the request; and

(ii) A minimum of one (1) business day.

b. A targeted case management services provider may request a longer timeframe to provide information to the

department or a managed care organization if the targeted case management services provider justifies the need for a longer timeframe.

(d)1. All services provided shall be subject to review for recipient or provider abuse.

2. Willful abuse by a targeted case management services provider shall result in the suspension or termination of the targeted case management services provider from Medicaid Program participation.

Section 11. Third Party Liability. (1) A targeted case management services provider shall comply with KRS 205.622.

(2) If a third party is liable to pay for targeted case management services, the department shall not pay for the services.

Section 12. Use of Electronic Signatures. (1) The creation, transmission, storage, and other use of electronic signatures and documents shall comply with the requirements established in KRS 369.101 to 369.120.

(2) A targeted case management services provider that chooses to use electronic signatures shall:

(a) Develop and implement a written security policy that shall:

1. Be adhered to by each of the targeted case management services provider's employees, officers, agents, or contractors;

2. Identify each electronic signature for which an individual has access; and

3. Ensure that each electronic signature is created, transmitted, and stored in a secure fashion;

(b) Develop a consent form that shall:

1. Be completed and executed by each individual using an electronic signature;

2. Attest to the signature's authenticity; and

3. Include a statement indicating that the individual has been notified of his or her responsibility in allowing the use of the electronic signature; and

(c) Provide the department, immediately upon request, with:

1. A copy of the targeted case management services provider's electronic signature policy;

2. The signed consent form; and

3. The original filed signature.

Section 13. Auditing Authority. The department or the managed care organization in which an enrollee is enrolled shall have the authority to audit any:

(1) Claim;

(2) Medical record; or

(3) Documentation associated with any claim or medical record.

Section 14. Federal Approval and Federal Financial Participation. The department's coverage of services pursuant to this administrative regulation shall be contingent upon:

(1) Receipt of federal financial participation for the coverage; and

(2) Centers for Medicare and Medicaid Services' approval for the coverage.

Section 15. Appeals. (1) An appeal of an adverse action by the department regarding a service and a recipient who is not enrolled with a managed care organization shall be in accordance with 907 KAR 1:563.

(2) An appeal of an adverse action by a managed care organization regarding a service and an enrollee shall be in accordance with 907 KAR 17:010.

LAWRENCE KISSNER, Commissioner

AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: January 19, 2015

FILED WITH LRC: January 13, 2015 at 3 p.m.

CONTACT PERSON: Tricia Orme, tricia.orme@ky.gov, 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 Medicaid Services
Division of Policy and Operations
(As Amended at ARRS, February 9, 2015)

907 KAR 15:055. Reimbursement provisions and requirements regarding targeted case management for individuals with a[co-occurring] mental health or substance use disorder[disorders] and chronic or complex physical health issues.

RELATES TO: KRS 205.520, 42 U.S.C. 1396a(a)(10)(B), 42 U.S.C. 1396a(a)(23)

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3)

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has a responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the reimbursement provisions and requirements regarding Medicaid Program targeted case management services for individuals with a[co-occurring] mental health or substance use disorder[disorders] and chronic or complex physical health issues who are not enrolled with a managed care organization.

Section 1. General Requirements. For the department to reimburse for a service covered under this administrative regulation, the service shall be:

- (1) Medically necessary;
- (2) Provided:
 - (a) To a recipient;
 - (b) By a provider that meets the provider participation requirements established in 907 KAR 15:050; and
 - (c) In accordance with the requirements established in 907 KAR 15:050; and
- (3) Covered in accordance with 907 KAR 15:050.

Section 2. Reimbursement. (1) The department shall reimburse a monthly rate of \$541 in total for all targeted case management services provided to a recipient during the month.

(2) Except as established in subsection (3) of this section, to qualify for the reimbursement referenced in subsection (1) of this section, a targeted case management services provider shall provide services to a recipient consisting of at least five (5) targeted case management service contacts including:

- (a) At least three (3) face-to-face contacts with:
 1. The recipient; or
 2. If the recipient is at least eighteen (18) years of age but under twenty-one (21) years of age, with:
 - a. The recipient; or
 - b. A parent or legal guardian of the recipient; and
- (b) At least two (2) additional contacts which shall be:
 - 1.a. By telephone; or
 - b. Face-to-face; and
2. With the recipient or with another individual on behalf of the recipient.

(3) For a recipient who is under the age of eighteen (18) years, the contacts that a targeted case management services provider shall have shall include at least:

(a)1. One (1) face-to-face contact with the recipient's parent or legal guardian and two (2) face-to-face contacts with the recipient; and

2. Two (2) additional contacts which shall be:

a.(i) By telephone; or

(ii) Face-to-face; and

b. With the recipient or with another individual or agency on behalf of the recipient; or

(b)1. Two (2) face-to-face contacts with the recipient's parent or legal guardian and one (1) face-to-face contact with the recipient; and

2. Two (2) additional contacts which shall be:

a.(i) By telephone; or

(ii) Face-to-face; and

b. With the recipient or with another individual or agency on behalf of the recipient.

Section 3. No Duplication of Service. (1) The department shall not reimburse for a service provided to a recipient by more than one (1) provider of any program in which the same service is covered during the same time period.

(2) For example, if a recipient is receiving targeted case management services from an independent behavioral health provider, the department shall not reimburse for the targeted case management services provided to the same recipient during the same time period by a behavioral health services organization.

Section 4. Not Applicable to Managed Care Organizations. A managed care organization shall not be required to reimburse in accordance with this administrative regulation for a service covered pursuant to:

- (1) 907 KAR 15:050; and
- (2) This administrative regulation.

Section 5. Federal Approval and Federal Financial Participation. The department's reimbursement for services pursuant to this administrative regulation shall be contingent upon:

- (1) Receipt of federal financial participation for the reimbursement; and
- (2) Centers for Medicare and Medicaid Services' approval for the reimbursement.

LAWRENCE KISSNER, Commissioner

AUDREY TAYSE HAYNES, Secretary

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CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Policy and Operations
(As Amended at ARRS, February 9, 2015)

907 KAR 15:060. Coverage provisions and requirements regarding targeted case management for individuals with a severe mental illness and children with a severe emotional disability.

RELATES TO: KRS 205.520, 42 U.S.C. 1396a(a)(10)(B), 42 U.S.C. 1396a(a)(23)

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 42 U.S.C. 1396n(g).

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has a responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the coverage provisions and requirements regarding Medicaid Program targeted case management services for individuals with a severe mental illness and children with[who have] a severe emotional disability.

Section 1. General Coverage Requirements. For the department to reimburse for a service covered under this administrative regulation, the service shall be:

- (1) Medically necessary; and
- (2) Provided:
 - (a) To a recipient; and
 - (b) By a provider that meets the provider participation requirements established in Section 3 of this administrative

regulation.

Section 2. Eligibility Criteria. (1) To be eligible for targeted case management services under this administrative regulation, a recipient shall:

(a) 1. Have a severe mental illness; or
2. Be a child with a severe emotional disability as defined in KRS 200.503(3);

(b) Not be:

1. Over the age of twenty-one (21) years and under the age of sixty-four (64) years while receiving services in an institution for mental diseases; or

2. An inmate of a public institution; and

(c) 1. Need assistance with access to:

a. Housing; or
b. Vocational, medical, social, educational, or other community services or supports;

2. Have been involved with at least one (1) child welfare agency or criminal justice agency; or

3. Be:

a. In the custody of the Department for Community Based Services;

b. At risk of an out-of-home placement; or

c. At risk of inpatient mental health treatment.

(2)(a) A severe mental illness shall be a diagnosis of a major mental disorder as included in the current edition of the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders™ under:

1. Schizophrenia spectrum and other psychiatric disorders;

2. Bipolar and related disorders;

3. Depressive disorders; or

4. Post-traumatic stress disorders (under trauma and stressor related disorders); and

5. Personality disorders].

(b) A recipient's information and history, for the purpose of determining if the recipient has a severe mental illness, shall indicate that the recipient exhibits persistent disability and significant impairment in major areas of community living.

(c) In addition to the requirements established in paragraphs[paragraph] (a) and (b) of this subsection, to qualify as having a severe mental illness, a recipient shall:

1. Have clinically significant symptoms which have persisted for a continuous period of at least two (2) years; or

2.a. Have been hospitalized for mental illness more than once within the past two (2) years; and

b. Be significantly impaired in the ability to function socially or occupationally or both.

Section 3. Provider Requirements. (1)(a) To be eligible to provide services under this administrative regulation, an individual, entity, or organization shall:

1.[(a)] Be currently enrolled in the Kentucky Medicaid Program in accordance with 907 KAR 1:672;

2.[(b)] Except as established in subsection (2) of this section, be currently participating in the Kentucky Medicaid Program in accordance with 907 KAR 1:671;

3.[(c)] Be:

a.[1-] A community mental health center[authorized to provide services pursuant to 907 KAR 1:044];

b.[2-] An individual or provider group authorized to provide behavioral health services pursuant to 907 KAR 15:010;[or]

c.[3-] A behavioral health services organization;

d. A Level I psychiatric residential treatment facility only if the recipient is under twenty-one (21) years of age;

e. A Level II psychiatric residential treatment facility only if the recipient is under twenty-one (21) years of age;

f. An outpatient hospital; or

g. A psychiatric hospital[authorized to provide behavioral health services pursuant to 907 KAR 15:020]; and

4.[(d)] Have:

a.[1-] For each service it provides, the capacity to provide the full range of the service as established in this administrative regulation;

b. Documented[2- Demonstrated] experience in serving the population of individuals with behavioral health disorders relevant to the particular services provided;

c.[3-] The administrative capacity to ensure quality of services;

d.[4-] A financial management system that provides documentation of services and costs;

e.[5-] The capacity to document and maintain individual case records;

f. Documented[6- Demonstrated] programmatic and administrative experience in providing comprehensive case management services; and

g. Documented[7- Demonstrated] referral systems and linkages and referral ability with essential social and health services agencies.

(b) The documentation referenced in paragraph (a)4.b., f., and g. of this subsection shall be subject to audit by:

1. The department;

2. The Department for Behavioral Health, Developmental and Intellectual Disabilities;

3. The Cabinet for Health and Family Services, Office of Inspector General;

4. A managed care organization, if a targeted case manager provider is enrolled in its network;

5. The Centers for Medicare and Medicaid Services;

6. The Kentucky Office of the Auditor of Public Accounts;

or

7. The United States Department of Health and Human Services, Office of the Inspector General.

(2) In accordance with 907 KAR 17:015, Section 3(3), a targeted case management services provider which provides a service to an enrollee shall not be required to be currently participating in the fee-for-service Medicaid Program.

(3) A targeted case management services provider shall:

(a) Agree to provide services in compliance with federal and state laws regardless of age, sex, race, creed, religion, national origin, handicap, or disability; and

(b) Comply with the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and any amendments to the act.

Section 4. Case Manager Requirements. (1) A case manager shall:

(a) **1. Have at least a bachelor of arts or science[sciences]** degree in a behavioral science including:

a.[1-] Psychology;

b.[2-] Sociology;

c.[3-] Social work;

d.[4-] Family studies;

e.[5-] Human services;

f.[6-] Counseling;

g.[7-] Nursing;

h. Behavioral analysis;

i. Public health;

j. Special education;

k. Gerontology;

l. Recreational therapy;

m. Education;

n. Occupational therapy;

o. Physical therapy;

p. Speech-language pathology;

q. Rehabilitation counseling; or

r. Faith-based education;[or]

2. Be a certified alcohol and drug counselor who has a bachelor of arts or science degree; or

3. As authorized pursuant to subsection (5) of this section, have:

a. Provided targeted case management services to a recipient any time from April 1, 2014 to the effective date of this administrative regulation; or

b. Supervised the provision of targeted case management services to a recipient any time from April 1, 2014 to the effective date of this administrative regulation[8- Another human service degree program approved by the department];

(b) Have successfully completed case management training

~~pursuant to 908 KAR 2:260[approved by the Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID) within six (6) months of employment]; and~~

(c) Successfully complete continuing education requirements pursuant to 908 KAR 2:260[completed recertification requirements approved by DBHDID every three (3) years].

(2)(a) Supervision by a behavioral health professional who has completed case management training approved by DBHDID shall occur at least twice per month.

(b) At least one (1) of these supervisory contacts shall be on an individual basis and face-to-face.

(3)(a) Except as established in paragraph (b) of this subsection, a case manager for a:

1. Recipient with a severe mental illness shall have at least one (1) year of full-time employment experience working directly with adults in a human service setting after completing the [educational] requirements established in subsection (1)(a) of this section; or

2. Child with a severe emotional disability shall have at least one (1) year of full-time employment experience working directly with individuals under the age of twenty-one (21) years in a human service setting after completing the [educational] requirements established in subsection (1)(a) of this section.

(b) A master's degree in one (1) of the following behavioral science disciplines may be substituted[substitute] for the one (1) year of experience:

1. Psychology;
2. Sociology;
3. Social work;
4. Family studies;
5. Human services;
6. Counseling;
7. Nursing;[or]

8. Behavioral analysis;

9. Public health;

10. Special education;

11. Gerontology;

12. Recreational therapy;

13. Education;

14. Occupational therapy;

15. Physical therapy;

16. Speech-language pathology;

17. Rehabilitation counseling; or

18. Faith-based education[Another human service degree program approved by the department].

(4) A behavioral health professional shall be:

- (a) An advanced practice registered nurse;
- (b) A licensed clinical social worker;
- (c) A licensed marriage and family therapist;
- (d) A licensed professional clinical counselor;
- (e) A licensed psychological practitioner;
- (f) A licensed psychologist;
- (g) A licensed professional art therapist;
- (h) A physician;
- (i) A psychiatrist;
- (j) A behavioral health practitioner under supervision except for a certified alcohol and drug counselor;

(k) A registered nurse working under the supervision of a physician or advanced practice registered nurse; or

(l) An individual with a bachelor's degree stated in subsection (1)(a)1. of this section[in a behavioral science program or other human service degree program approved by the department] who:

1. Is working under the supervision of a billing supervisor; and
2. Has at least five (5) years of documented full-time experience providing specialized case management services for the target population.

(5)(a) In order to be approved, a request for the targeted case manager qualification exemption established in subsection (1)(a)3. of this section shall be:

1. Submitted in writing to the department, or for an enrollee, to the managed care organization in which the

enrollee is enrolled, with documentation of the individual's experience in:

a. Providing targeted case management services to a recipient; or

b. Supervising the provision of targeted case management services to a recipient; and

2. Received by the department or managed care organization no later than June 30, 2015.

(b) The department or managed care organization shall not grant any exemption pursuant to subsection (1)(a)3. of this section that it receives after June 30, 2015.

Section 5. Freedom of Choice of Provider. (1) A recipient shall have the freedom to choose from which:

(a) Case manager to receive services within the recipient's geographic area identified in the recipient's care plan; and

(b) Provider of non-targeted case management Medicaid covered services to receive services.

(2) A case manager shall not have the authority to authorize or deny the provision of non-targeted case management Medicaid covered services to a recipient.

(3) A recipient shall not be required to receive targeted case management services as a condition of receiving non-targeted case management Medicaid-covered services.

Section 6. Covered Services. (1) Targeted case management services covered under this administrative regulation shall:

(a) Be services furnished to assist a recipient in gaining access to needed medical, social, educational, or other services; and

(b) Include:

1. A comprehensive assessment and periodic reassessments of the recipient's needs to determine the need for any medical, educational, social, or other services;

2. The development and periodic revision of a specific care plan for the recipient;

3. A referral or related activities to help the recipient obtain needed services;

4. Monitoring or follow-up activities; or

5. Contacts with non-recipients who are directly related to help with identifying the recipient's needs and care for the purpose of:

a. Helping the recipient access services;

b. Identifying supports necessary to enable the recipient to obtain services;

c. Providing a case manager with useful input regarding the recipient's past or current functioning, symptoms, adherence to treatment, or other information relevant to the recipient's behavioral health condition; or

d. Alerting a case manager to a change in the recipient's needs.

(2)(a) An assessment or reassessment shall include:

1. Taking the recipient's history;

2. Identifying the recipient's strengths and needs and completing related documentation; and

3. Gathering information from other sources including family members, medical providers, social workers, or educators to form a complete assessment of the recipient~~[including:~~

a. Family members;

b. Medical providers;

c. Social workers; or

d. Educators].

(b) A face-to-face assessment or reassessment shall be completed:

1. At least annually; or

2. More often if needed based on changes in the recipient's condition.

(3) The development and periodic revision of the recipient's care plan shall:

(a) Specify the goals and actions to address the medical, social, educational, or other services needed by the recipient;

(b) Include ensuring the active participation of the recipient and working with the recipient, the recipient's authorized health care decision maker, or others to develop the goals; and[or]

(c) Identify a course of action to respond to the assessed

needs of the recipient.

(4) A referral or related activities shall include activities that help link the recipient with medical providers, social providers, educational providers, or other programs and services that are capable of providing needed services to:

- (a) Address the identified needs; and
 - (b) Achieve goals specified in the care plan.
- (5)(a) Monitoring and follow-up activities shall:

- 1. Be activities and contacts that:
 - a. Are necessary to ensure that the recipient's care plan is implemented;
 - b. Adequately address the recipient's strengths and needs; and
 - c. May be with:
 - ~~(i)~~ the recipient,;
 - ~~(ii)~~ the recipient's family members,;
 - ~~(iii)~~ the recipient's service providers,;
 - ~~(iv)~~ other entities or individuals[recipients];
 - 2. Be conducted as frequently as necessary; and
 - 3. Include making necessary adjustments in the recipient's care plan and service arrangements with providers.
- (b) Monitoring shall:
- 1. Occur at least once every three (3) months;
 - 2. Be face-to-face; and
 - 3. Determine if:
 - a. The services are being furnished in accordance with the recipient's care plan;
 - b. The services in the recipient's care plan are adequate to meet the recipient's needs; and
 - c. Changes in the needs or status of the recipient are reflected in the care plan.

Section 7. No Duplication of Service. (1) The department shall not pay for targeted case management services which duplicate services provided by another public agency or a private entity.

(2)(a) The department shall not reimburse for a service provided to a recipient by more than one (1) provider of any program in which the same service is covered during the same time period.

(b) For example, if a recipient is receiving targeted case management service from an independent behavioral health provider, the department shall not reimburse for targeted case management services provided to the same recipient during the same time period by a behavioral health services organization.

Section 8. Exclusions and Limits. (1) Targeted case management services shall not include services defined in 42 C.F.R. 440.169 if the activities:

- (a) Are an integral and inseparable component of another covered Medicaid service; or
- (b) Constitute the direct delivery of underlying medical, educational, social, or other services to which an eligible recipient has been referred, including:
 - 1. Foster care programs;
 - 2. Research gathering and completing documentation required by the foster care program;
 - 3. Assessing adoption placements;
 - 4. Recruiting or interviewing potential foster care parents;
 - 5. Serving legal papers;
 - 6. Home investigations;
 - 7. Providing transportation;
 - 8. Administering foster care subsidies; or
 - 9. Making placement arrangements.

(2) A recipient who is receiving case management services under a 1915(c) home and community based waiver program shall not be eligible to receive targeted case management services under this administrative regulation.

(3) An individual who provides targeted case management to a recipient shall not provide any other Medicaid covered service to the[any] recipient.

(4)(a) Beginning October 1, 2015, except as established in paragraph (c) of this subsection, if an individual provides targeted case management services to a recipient, the maximum number of recipients to whom the individual may

provide services at any point in time, whether targeted case management services or other services, shall be twenty-five (25).

(b) As an example of the limit established in paragraph (a) of this subsection, if an individual provides targeted case management services to ten (10) recipients, the individual may provide individual outpatient therapy to no more than fifteen (15) other recipients at the same time.

(c) The limit established in paragraph (a) of this subsection shall not apply to:

- 1. Mobile crisis services;
- 2. Crisis intervention services; or
- 3. Screenings[The maximum number of recipients to whom a targeted case manager shall provide targeted case management services at any given time shall be as established in 908 KAR 2:260].

Section 9. Records Maintenance, Documentation, Protection, and Security. (1) A targeted case management services provider shall maintain a current case record for each recipient.

(2)(a) A case record shall document each service provided to the recipient including the date of the service and the signature of the individual who provided the service.

(b) The individual who provided the service shall date and sign the case record within forty-eight (48) hours from[on] the date that the individual provided the service.

(3) A case record shall:

- (a) Include:
 - 1. The recipient's name;
 - 2. The time and date corresponding to each occasion in which a service was provided to the recipient;
 - 3. The name of the targeted case management services:
 - a. Provider agency, if an agency; and
 - b. Practitioner who provided the targeted case management services;
 - 4. The nature, content, and contacts that occurred regarding[units of] the targeted case management services provided;
 - 5. Whether goals in the recipient's care plan have been achieved;
 - 6. Whether the recipient has declined to receive any services in the recipient's care plan;
 - 7. A timeline for obtaining needed services; and
 - 8. A timeline for reevaluating the recipient's care plan; and
- (b) Be:
 - 1. Maintained in an organized and secure central file;
 - 2. Furnished upon request:
 - a. To the Cabinet for Health and Family Services; or
 - b. For an enrollee, to the managed care organization in which the recipient is enrolled or has been enrolled in the past if applicable;
 - 3. Made available for inspection and copying by:
 - a. Cabinet for Health and Family Services' personnel; or
 - b. Personnel of the managed care organization in which the recipient is enrolled for has been enrolled in the past, if applicable;
 - 4. Readily accessible; and
 - 5. Adequate for the purpose of establishing the current treatment modality and progress of the recipient.

(4)(a) A discharge summary shall:

- 1. Be required, at the time a decision is made that services are terminated[upon termination of services], for each recipient who received at least three (3) service visits; and
- 2. Contain a summary of the significant findings and events during the course of treatment including the:
 - a. Final assessment regarding the progress of the recipient toward reaching goals and objectives established in the recipient's care plan; and
 - b. Recipient's condition upon termination and disposition.

(b) A case record relating to a recipient who was terminated from receiving services shall be fully completed within ten (10) business days following termination.

(5) If a recipient's case is reopened within ninety (90) calendar

days of terminating services for the same or related issue, a reference to the prior case history with a note regarding the interval period shall be acceptable.

(6) If a recipient is transferred or referred to a health care facility or other provider for care or treatment, the transferring targeted case management services provider shall, within ten (10) business days of **awareness of** the transfer or referral, transfer the recipient's records in a manner that complies with the records' use and disclosure requirements as established in or required by:

(a) [4.] The Health Insurance Portability and Accountability Act codified as 45 C.F.R. Parts 160, 162, and 164;

(b) [2.] 42 U.S.C. 1320d-2 to 1320d-8; and

(c) [3. 45 C.F.R. Parts 160 and 164; or

(b) 1. 42 U.S.C. 290ee-3; and

2.] 42 C.F.R. Part 2.

(7)(a) If a targeted case management services provider's Medicaid Program participation status changes as a result of voluntarily terminating from the Medicaid Program, involuntarily terminating from the Medicaid Program, a licensure suspension, or death of an owner or deaths of owners, the case records of the targeted case management services provider shall:

1. Remain the property of the targeted case management services provider; and

2. Be subject to the retention requirements established in subsection (8) of this section.

(b) A targeted case management services provider shall have a written plan addressing how to maintain case records in the event of an owner's death or owners' deaths.

(8)(a) Except as established in paragraph (b) or (c) of this subsection, a targeted case management services provider shall maintain a case record regarding a recipient for at least six (6) years from the **last** date of the service or until any audit dispute or issue is resolved beyond six (6) years.

(b) After a recipient's death or discharge from services, a provider shall maintain the recipient's record for the **longer [longest]** of the following periods:

1. Six (6) years unless the recipient is a minor; or

2. If the recipient is a minor, three (3) years after the recipient reaches the age of majority under state law.

(c) If the Secretary of the United States Department of Health and Human Services requires a longer document retention period than the period referenced in paragraph (a) of this subsection, pursuant to 42 C.F.R. 431.17, the period established by the secretary shall be the required period.

(9)(a) A targeted case management services provider shall comply with 45 C.F.R. Part 164.

(b) All information contained in a case record shall:

1. Be treated as confidential;

2. Not be disclosed to an unauthorized individual; and

3. Be disclosed to an authorized representative of the:

a. Department; **[or]**

b. Federal government; **or**

c. For an enrollee, managed care organization in which the enrollee is enrolled.

(c) 1. Upon request, a targeted case management services provider shall provide to an authorized representative of the department **[or] federal government, or managed care organization if applicable,** information requested to substantiate:

a. Staff notes detailing a service that was rendered;

b. The professional who rendered a service; and

c. The type of service rendered and any other requested information necessary to determine, on an individual basis, whether the service is reimbursable by the department.

2. Failure to provide information referenced in subparagraph 1 of this paragraph shall result in denial of payment for any service associated with the requested information.

Section 10. Medicaid Program Participation Compliance. (1) A targeted case management services provider shall comply with:

(a) 907 KAR 1:671;

(b) 907 KAR 1:672; and

(c) All applicable state and federal laws.

(2)(a) If a targeted case management services provider

receives any duplicate payment or overpayment from the department, regardless of reason, the targeted case management services provider shall return the payment to the department.

(b) Failure to return a payment to the department in accordance with paragraph (a) of this subsection may be:

1. Interpreted to be fraud or abuse; and

2. Prosecuted in accordance with applicable federal or state law.

(3)(a) When the department makes payment for a covered service and the targeted case management services provider accepts the payment:

1. The payment shall be considered payment in full;

2. A bill for the same service shall not be given to the recipient; and

and

3. Payment from the recipient for the same service shall not be accepted by the provider.

(b) 1. A targeted case management services provider may bill a recipient for a service that is not covered by the Kentucky Medicaid Program if the:

a. Recipient requests the service; and

b. Targeted case management services provider makes the recipient aware in advance of providing the service that the:

(i) Recipient is liable for the payment; and

(ii) Department is not covering the service.

2. If a recipient makes payment for a service in accordance with subparagraph 1 of this paragraph, the:

a. Targeted case management services provider shall not bill the department for the service; and

b. Department shall not:

(i) Be liable for any part of the payment associated with the service; and

(ii) Make any payment to the targeted case management services provider regarding the service.

(4)(a) A targeted case management services provider attests by the targeted case management services provider signature that any claim associated with a service is valid and submitted in good faith.

(b) Any claim and substantiating record associated with a service shall be subject to audit by the:

1. Department or its designee;

2. Cabinet for Health and Family Services, Office of Inspector General or its designee;

3. Kentucky Office of Attorney General or its designee;

4. Kentucky Office of the Auditor for Public Accounts or its designee; **[or]**

5. United States General Accounting Office or its designee; **or**

6. For an enrollee, managed care organization in which the enrollee is enrolled.

(c) 1. If a targeted case management services provider receives a request from the:

a. [1.] Department to provide a claim, related information, related documentation, or record for auditing purposes, the targeted case management services provider shall provide the requested information to the department within the timeframe requested by the department; or

b. [2.] Managed care organization in which an enrollee is enrolled to provide a claim, related information, related documentation, or record for auditing purposes, the targeted case management services provider shall provide the requested information to the managed care organization within the timeframe requested by the managed care organization.

2.a. The timeframe requested by the department or managed care organization for a targeted case management services provider to provide requested information shall be:

(i) A reasonable amount of time given the nature of the request and the circumstances surrounding the request; and

(ii) A minimum of one (1) business day.

b. A targeted case management services provider may request a longer timeframe to provide information to the department or a managed care organization if the targeted case management services provider justifies the need for a longer timeframe.

(d)1. All services provided shall be subject to review for recipient or provider abuse.

2. Willful abuse by a targeted case management services provider shall result in the suspension or termination of the targeted case management services provider from Medicaid Program participation.

Section 11. Third Party Liability. (1) A targeted case management services provider shall comply with KRS 205.622.

(2) If a third party is liable to pay for targeted case management services, the department shall not pay for the services.

Section 12. Use of Electronic Signatures. (1) The creation, transmission, storage, and other use of electronic signatures and documents shall comply with the requirements established in KRS 369.101 to 369.120.

(2) A targeted case management services provider that chooses to use electronic signatures shall:

(a) Develop and implement a written security policy that shall:

1. Be adhered to by each of the targeted case management services provider's employees, officers, agents, or contractors;

2. Identify each electronic signature for which an individual has access; and

3. Ensure that each electronic signature is created, transmitted, and stored in a secure fashion;

(b) Develop a consent form that shall:

1. Be completed and executed by each individual using an electronic signature;

2. Attest to the signature's authenticity; and

3. Include a statement indicating that the individual has been notified of his or her responsibility in allowing the use of the electronic signature; and

(c) Provide the department, immediately upon request, with:

1. A copy of the targeted case management services provider's electronic signature policy;

2. The signed consent form; and

3. The original filed signature.

Section 13. Auditing Authority. The department or the managed care organization in which an enrollee is enrolled shall have the authority to audit any:

(1) Claim;

(2) Medical record; or

(3) Documentation associated with any claim or medical record.

Section 14. Federal Approval and Federal Financial Participation. The department's coverage of services pursuant to this administrative regulation shall be contingent upon:

(1) Receipt of federal financial participation for the coverage; and

(2) Centers for Medicare and Medicaid Services' approval for the coverage.

Section 15. Appeals. (1) An appeal of an adverse action by the department regarding a service and a recipient who is not enrolled with a managed care organization shall be in accordance with 907 KAR 1:563.

(2) An appeal of an adverse action by a managed care organization regarding a service and an enrollee shall be in accordance with 907 KAR 17:010.

LAWRENCE KISSNER, Commissioner

AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: January 9, 2015

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CABINET FOR HEALTH AND FAMILY SERVICES
Department for Aging and Independent Living
Division of Quality Living
(As Amended at ARRS, February 9, 2015)

910 KAR 3:030. Traumatic brain injury trust fund operations program.

RELATES TO: KRS ~~[Chapter]~~ 13B, 42.320(2)(d), 45A.075, 45A.080, 189A.050(3)(d)1, 205.900(3), 211.470-211.478, **314.011**
 STATUTORY AUTHORITY: KRS 211.474(1), EO 2009-541

NECESSITY, FUNCTION, AND CONFORMITY: EO 2009-541 transferred the functions and funds of KRS 189A.050(3)(d)1 to the Department for Aging and Independent Living. KRS 211.474(1) requires the Traumatic Brain Injury Trust Fund Board of Directors to promulgate administrative regulations necessary to carry out the provisions of KRS 211.470 through 211.478. This administrative regulation establishes the Traumatic Brain Injury Trust Fund Operations Program.

Section 1. Definitions. (1) "Applicant" means a person:

(a) Who applies for the program, including a legally responsible individual ~~[legal representative]~~ on behalf of an applicant;

(b) Who participates in the development of, and agrees to, a service plan for the use of the program; and

(c) For whom a completed service plan is submitted to the program.

(2) "Benefit" means financial assistance provided to a recipient to cover the cost of services approved by the service plan review committee.

(3) "Benefit management program" or "program" means the entity recommended by the board that provides case management services and facilitates distribution of trust fund monies.

(4) "Board" is defined by by ~~[in]~~ KRS 211.470(1).

(5) "Cabinet" is defined by KRS 211.470(2).

(6) "Case management" means a process, coordinated by a case manager, for linking a recipient to appropriate, comprehensive, and timely home or community based services as identified in the service plan by:

(a) Planning;

(b) Referring;

(c) Monitoring; and

(d) Advocating ~~[managing a recipient's case for traumatic brain injury services including:~~

(a) Assisting and developing a service plan for the recipient;

(b) Knowledge of resources for a recipient;

(c) Assisting with accessing local resources for a recipient;

(d) Education of an applicant, recipient, or family member regarding the program and available resources; and

(e) Monitoring of the services received by a recipient as part of an approved service plan].

(7) "Case manager" means the individual employee responsible for:

(a) Coordinating services and supports from all agencies involved in providing services required by the service plan;

(b) Ensuring all service providers have a working knowledge of the service plan; and

(c) Ensuring services are delivered as required ~~[a person who provides case management services to applicants and recipients].~~

(8) "Community residential services" means retraining and rehabilitation of a recipient in a nonemergency situation in a community setting.

(9) "Companion services" means nonmedical supervision and socialization services for the purpose of:

(a) Preventing the need for institutionalization; and

(b) Assisting a recipient in maintaining community placement based upon an approved service plan.

(10) "Conflict free" means a scenario in which an agency, including any subsidiary, partnership, not-for-profit, or other business entity under the control of the agency, is providing case management to an individual without providing any other waiver service ~~[is defined by 907 KAR 12:010, Section 1(15)].~~

(11) "Department" means the Department for Aging and

Independent Living (DAIL).

(12) "Educational or experiential equivalent" means:

(a) Two (2) semesters totaling at least twenty-four (24) hours of course work; and

(b) At least 400 documented hours of experience assisting brain injured or other disabled individuals through:

1. Practicum placement;

2. Clinicals; or

3. Volunteerism.

(13)(14) "Environmental modification" means a physical adaptation to a recipient's home:

(a) For the purpose of helping a recipient function with greater independence in the recipient's own home; or

(b) Which is necessary to accommodate medical equipment and supplies required for the recipient's welfare.

(14)(12) "Fund" or "trust fund" is defined by KRS 211.470(4).

(15)(13) "Good cause" means a circumstance beyond the control of a recipient that affects the recipient's ability to access an approved benefit, including:

(a) Illness or hospitalization of the individual that is expected to last thirty (30) days;

(b) Death or incapacitation of the primary caregiver; or

(c) Unavailability of a service provider that is expected to last thirty (30) days.

(16) "Immediate family" is defined by KRS 205.8451(3).

(17)(14) "Integrated environment" means other individuals in a nonresidential setting integrated with those individuals who have a brain injury and in which both are being served to improve community living skills.

(18) "KYTBI data system" means the internet based data system used to monitor, track, and maintain recipient information, annual and lifetime allocations, and case work performed on behalf of a recipient.

(19) "Legally responsible individual" means an individual who has a duty under state law to care for another person and includes:

(a) A biological, adoptive, or foster parent of a minor child who provides care to the child;

(b) The legal guardian who is responsible for the care of the recipient; or

(c) A spouse of a recipient.

(20)(15) "Medical records" means records signed by a physician documenting an applicant's or recipient's traumatic brain injury including:

(a) Hospital records; or

(b) Diagnostic imaging reports as related to KRS 211.470(3).

(21) "Natural supports" means a non-paid person, or community resource who can provide, or has historically provided assistance to the consumer or, due to the familial relationship, would be expected to provide assistance when capable.

(22)(16) "Noncrisis behavior programming" means an individually-designated nonemergency service plan intended to increase a recipient's adaptive social behavior that is provided by a behavioral therapist or clinical psychologist.

(23)(17) "Occupational therapist" is defined by KRS 319A.010(3).

(24)(18) "Occupational therapy" means the therapeutic use of self-care, work, and leisure activities to enhance independent functioning or skill development.

(25)(19) "Personal care assistance services" is defined by KRS 205.900(3).

(26) "Physical therapist" is defined by KRS 327.010(2).

(27) "Physical therapy" is defined by KRS 327.010(1).

(28)(20) "Prevocational service" means a service designed to develop a prerequisite skill necessary to prepare a recipient for paid or unpaid employment provided beyond other external program resources and provided by an occupational therapist or rehabilitation counselor.

(29)(21) "Psychological and mental health services" means services provided by a mental health professional licensed by the state which are:

(a) Designed to help a recipient to resolve personal issues or interpersonal problems resulting from a traumatic brain injury; or

(b) Provided to a recipient's direct caregiver to preserve the

stability of a recipient's community living situation, as part of an approved service plan.

(30)(22) "Recipient" means an eligible applicant who receives a benefit as defined by Section 1(2) of this administrative regulation or legal representative on behalf of the recipient with an approved service plan who receives a benefit.

(31)(23) "Respite care" means a skilled or unskilled service provided to a recipient on a short-term basis if there is an absence or need for relief of a recipient's caregiver.

(32)(24) "Service plan" means a document that itemizes the goals, services, equipment, or items which are subject to review by the service plan review committee.

(33)(25) "Service plan review committee" means a committee composed of persons with traumatic brain injuries or their family members and professionals in the field of brain injury as outlined in Section 4(5)(b).

(34)(26) "Specialized medical equipment and supplies" means items which are of direct medical or therapeutic remedial benefit to a recipient and assist the recipient to maintain community placement.

(35)(27) "Speech-language pathologist" is defined by KRS 334A.020(3).

(36)(28) "Speech and language therapy" means an intervention designed to maximize a recipient's language, pragmatic, articulation, swallowing, and cognitive skills.

(37)(29) "Structured day program services" means a service:

(a) Provided by a certified or licensed entity; and

(b) Performed in a nonresidential setting which is designed to develop and improve a recipient's skills through activities and skill trainings in areas of:

1. Personal well being;

2. Social and community living; and

3. Independent living management.

(38)(30) "Supported employment services" means supervision and training of a recipient in a work site at which persons without disabilities are employed and for a recipient who:

(a) Is unlikely to obtain competitive employment at or above minimum wage; or

(b) Needs ongoing support to perform competitive employment.

(39)(31) "Traumatic brain injury" is defined in KRS 211.470(3).

(40)(32) "Unit" means a billed service calculated in fifteen (15) minute increments.

(33) "Wrap-around service" means a service, equipment, or item, not excluded by KRS 211.474(2)(e), which will enhance a recipient's ability to live in the community, consistent with the recipient's overall service plan.

Section 2. Board Operating Procedures. (1)(a) A board member shall adhere to the bylaws of the board and the confidentiality requirements as specified in KRS 211.474(3).

(b) If a member fails to act in accordance with the bylaws, the chair of the board shall recommend to the governor the dismissal of that member.

(2) A board member shall not:

(a) Influence, discuss, deliberate, or vote on a decision if the member has a conflict of interest that is:

1. Personal;

2. Professional; or

3. Financial; or

(b) Directly assist another individual, regardless of where the person resides, to apply for benefits from the fund, except a board member:

1. May refer another individual but not directly assist another individual to apply for benefits from the fund; and

2. Shall not refer himself or an eligible family member or receive benefits from the fund at the same time as being a member of the board.

(3) The board shall review a quarterly report of the program's activities in accordance with Section 4(8) of this administrative regulation.

(4) The board shall direct the department to:

(a) Issue a request for proposal for the benefit management

program in accordance with KRS 45A.080; or
 (b) Operate the program within the department.

Section 3. Department Duties. (1) The department may issue a request for proposal:

- (a) If directed by the board; and
- (b) In accordance with KRS 45A.080.

(2) The department may rescind all or part of an awarded benefit if the recipient does not utilize all or part of the benefit within a twelve (12) month plan period[shall:

(a) ~~Review each proposal properly submitted in accordance with the request for proposal issued;~~

(b) ~~Determine an entity to operate the program under contract based upon:~~

- 1. ~~The boards' recommendation; and~~
- 2. ~~Consideration of the:~~

a. ~~Experience of the entity in the provision of services to individuals with traumatic brain injury;~~

b. ~~Priority of services to individuals with traumatic brain injury within the entity's overall operation;~~

c. ~~Expertise of the entity's staff in the provision of services to individuals with traumatic brain injury;~~

d. ~~Experience in the provision of the entity's case management services;~~

e. ~~Capacity of the entity to provide case management services to individuals with traumatic brain injury statewide;~~

f. ~~Experience in and the capacity of the entity to develop community resources for individuals with traumatic brain injury statewide;~~

g. ~~Capacity of the entity to distribute benefits from the fund to recipients;~~

h. ~~Capacity of the entity to manage applicant, recipient, benefit, and program evaluation data;~~

i. ~~Fiscal policies and practices and the financial stability of the entity;~~

j. ~~Accessibility of the entity to individuals with traumatic brain injury throughout the state;~~

k. ~~Entity's proposed cost to operate the program; and~~

l. ~~Entity's proposed procedures for evaluating the program; and~~

(c) ~~Contract with a qualified entity:~~

1. ~~At the direction of the board; and~~

2. ~~Contingent on the availability of funds].~~

Section 4. Duties of the Program. The program shall:

(1) Establish a toll free telephone number for the purpose of enabling individuals with a traumatic brain injury to apply for benefits from the fund;

(2) Engage in public information activities for the purpose of informing individuals with a traumatic brain injury about the availability of case management services and benefits from the fund and other sources;

(3) Review an applicant's documentation of the applicant's diagnosed brain injury and Kentucky residency to determine eligibility as specified in Section 5 of this administrative regulation;

(4) Assign a case manager within two (2) business days of the determination;

(5) Establish a service plan review committee:

(a) For the purpose of reviewing proposed service plans for approval or denial;

(b) Which shall:

1. Include a minimum of one (1) person with a traumatic brain injury or the guardian or advocate of a person with a traumatic brain injury;

2. Include a minimum of one (1) professional with expertise in the field of traumatic brain injury; and

3. Not have two (2) individuals from the same agency or family serve consecutive terms; and

(c) In which a member shall be limited to serve twelve (12) consecutive months but may be reappointed to the service plan review committee twelve (12) months after the date of the expiration of the member's most recent term of service on the committee;

(6) Accept a request for benefits from the fund;

(7) Distribute benefits to a recipient based upon an approved service plan;

(8) Submit a list of approved or denied service plans in a quarterly report to the department;~~[and]~~

(9) Provide conflict free case management services:

(a) To applicants and recipients statewide, including the provision of assistance in accessing a needed support or service, regardless of funding source; and

(b) By a case manager who:

1. Possesses a bachelor's degree in a health or human services profession from an accredited college or university with:

a. One (1) year experience in health or human services; or

b. The educational or experiential equivalent in the field of brain injury or physical disabilities;

2. Is a currently licensed RN as defined by KRS 314.011(5) who has at least two (2) years of experience as a professional nurse in the field of brain injury or physical disabilities;

3. Is a currently licensed LPN as defined by KRS 314.011(9) who has:

a. At least three (3) years of experience in the field of brain injury or physical disabilities; and

b. An RN to consult and collaborate with regarding changes to the service plan; or

4. Has a master's degree from an accredited college or university;

(10) Be certified by the DAIL beginning July 1, 2015; and

(11) Be supervised by a case management supervisor who shall have four (4) years or more experience as a case manager[the following individuals licensed in Kentucky with two (2) or more years experience working in the brain injury field:

1. A registered nurse;

2. A practical nurse; or

3. An individual who has a bachelor's or higher degree in the human services field and who meets applicable requirements of the individual's particular field including a degree in:

a. Psychology;

b. Sociology;

c. Social work; or

d. Rehabilitation counseling; and

4. That requires the individuals specified in subparagraphs 1 through 3 of this paragraph to have six (6) additional hours of continuing education within the field of traumatic brain injury annually].

Section 5. Eligibility. (1) An applicant shall be eligible for a benefit from the fund:

(a) In accordance with:

1. KRS 211.470(3); and

2. KRS 211.472(2)(a) and (c); and

(b) If the applicant is a legal resident of Kentucky.

(2) A resident of an institution or hospital shall not be eligible for benefits from the fund:

(a) Unless the resident is anticipated to be within two (2) weeks of discharge and the benefits facilitate a discharge to the community; and

(b) If funding is available.

(3) An applicant shall provide medical records of the applicant's traumatic brain injury to the program.

(4) An applicant shall document that the applicant has no other public or private payor source, other than the trust fund, which covers the type of service the applicant is requesting.

Section 6. Procedures for Obtaining a Benefit From the Fund.

(1)(a) A benefit for assistance from the fund shall be directly related to an applicant's brain injury or care of the applicant.

(b) A referral for benefits may be made by, or on behalf of, an eligible person by contacting the program in the following manner:

1. Telephone;

2. In person;

3. In writing;

4. Facsimile;[or]

5. Email; or

6. Online.

(2) Upon receipt of referral, the program shall notify the applicant~~[recipient]~~ or referral source of the documentation needed to determine eligibility as specified in Section 5 of this administrative regulation.

Section 7. Benefits Available from the Fund. (1) An applicant may apply for one (1) or more benefits from the fund as follows:

- (a) Noncrisis behavior programming;
- (b) Case management;
- (c) Community residential services, which shall include at least the following:

- 1. Dressing;
- 2. Oral hygiene;
- 3. Hair care;
- 4. Grooming;
- 5. Bathing;
- 6. Housekeeping;
- 7. Laundry;
- 8. Meal preparation;
- 9. Shopping;
- 10. Room and board; and~~[or]~~
- 11. Twenty-four (24) hour supervision of a recipient;

- (d) Companion services;
- (e) Environmental modification to the recipient's residence if:

1.a. The recipient is listed on the deed and a copy is provided to the case manager;

b. The recipient is a minor residing in a home owned by his parent; or

c. The recipient is an adult residing in a home owned by his legal guardian and provides:

(i) Written documentation, by the owner, approving the modification;

(ii) A copy of the legal documents verifying parental status or guardianship;

(iii) A copy of the deed documenting the owner who has provided the written approval for modification; and

(iv) Written documentation that the dwelling is safe and free of structural defect; and

2. The recipient or owner provides:

a. At least two (2) estimates of cost and scope of modification;

b. A copy of the chosen contractor's license and liability insurance policy or a signed release of liability that no contractor is available within thirty (30) miles of the recipient's residence; and

c. Documentation from a health care professional that the requested modification is necessary;

(f) Occupational therapy provided by an occupational therapist;

(g) Physical therapy provided by a physical therapist;

(h) Prevocational service, which shall include at least the following:

- 1. Assisting a recipient to understand the meaning, value, and demands of work;
- 2. Assisting a recipient to learn or reestablish skills, attitudes, and behaviors necessary for employment; or
- 3. Assisting the individual to improve functional capacities;

(i)~~[(h)]~~ Psychological and mental health services, which may include~~[shall include at least]~~ the following:

- 1. Training to improve interpersonal skills;
- 2. Social skills;
- 3. Problem-solving skills;
- 4. Training to remediate a cognitive problem resulting from the traumatic brain injury;
- 5. Treatment for a substance abuse problem related to the traumatic brain injury;
- 6. Psychological assessment; and
- 7. Neuropsychological evaluation;

(j)~~[(i)]~~ Respite care in:

- 1. The recipient's own home;
- 2. Another personal residence; or
- 3. Another setting, if approved by the program;

(k)~~[(j)]~~ Specialized medical equipment and supplies with written documentation of need from a:

- 1. Physician;
- 2. Licensed health care provider; or

3. Licensed therapist;

(l)~~[(k)]~~ Speech and language therapy provided by a speech-language pathologist which may~~[shall]~~ include~~[at least]~~ the following:

- 1. Articulation therapy;
- 2. The design of and instruction in the use of augmentative communication strategies or devices;~~[or]~~
- 3. Cognitive retraining strategies; or

4. Swallowing therapy;

(m)~~[(l)]~~ Structured day program services, which shall include at least the following:

- 1. Direct supervision of the recipient;
- 2. Specific training to allow a recipient to improve functioning and to reintegrate into the community;
- 3. Social skills training;
- 4. Sensory skill development;
- 5. Motor skill development;
- 6. Teaching of concepts and skills necessary for the increased independence of the recipient; and
- 7. Other services to increase:

a. Adaptive behavioral responses; and

b. Community reintegration;

(n)~~[(m)]~~ Supported employment services; or

~~[(n)] Personal care assistance services; or~~

(o) Wrap-around services, which may~~[shall]~~ include~~[at least]~~ the following:

1. Assistance in transporting a recipient, such as to and from[a]:

a. A medical appointment;

b. A therapy appointment;~~[or]~~

c. A counseling appointment; or

d. Other destinations in the community as specified in the recipient's service plan;

2. Dental services by a licensed professional;

3. Vision services by an optometrist, ophthalmologist, or optician;

4.~~Other destinations in the community as specified in the recipient's service plan;~~

5.~~Vehicle]~~ Modification to the recipient's vehicle for accessibility if the:

a. Recipient is listed on the vehicle title and a copy is provided to the case manager; or

b. Owner provides written documentation:

(i) Approving the vehicle modification;

(ii) That the vehicle is for the use of the recipient;

(iii) That the vehicle is safe and mechanically sound; and

(iv) That the vehicle is insured~~[6. A one (1) time expenditure of funds for the payment of the recipient's health insurance expenses, for a period not to exceed three (3) months].~~

(2) Program~~[Wrap-around]~~ funds shall not be expended to pay ~~for~~~~[for payment of]~~:

(a) Attorney fees;

(b) Court costs or fines assessed as a result of a conviction for a criminal offense;

(c) The cost of incarceration;~~[or]~~

(d) Other court ordered monetary judgments;

(e) Insurance premiums, copays, or deductibles;

(f) The purchase or leasing of vehicles;

(g) The purchase or renting of homes;

(h) Home owner association fees;

(i) Vacations;

(j) Recreational activities;

(k) Food, including groceries or eating out;

(l) Utilities;

(m) Immediate family; or

(n) Natural supports.

Section 8. Case Management Services. (1) Following the program's determination of eligibility, the assigned case manager shall contact a recipient no later than three (3) business days and complete the following responsibilities:

(a) Conduct an independent assessment;

(b) Identify the recipient's needs for service and supports;

(c)(b) Identify potential resources to meet the applicant's need for services and supports;

(d)(e) Assist the applicant in obtaining needed services and supports regardless of funding source;

(e)(d) Determine that the fund is the payor of last resort;

(f)(e) Coordinate, arrange, and document identified service needs of the recipient;

(g)(f) Develop an individualized service plan that shall:

1. Relate to[an] assessed needs[problem];

2. Identify goals to address the assessed problem;

3. Identify a scope, duration, and unit of service required to address goals; and

4. Identify a source of service utilized in this administrative regulation; and

5. Include a plan for reassessment of the identified problem; and

6. Be signed by the recipient or recipient's representative and case manager, with a copy provided to the recipient;

(h)(g) Assist in the identification of local resources for individuals with traumatic brain injury;

(i)(h) Document all face-to-face contacts with the recipient in the KYTBI data system[recipient's case record] including time in and out[and mileage], if applicable;

(j) Maintain caseload as assigned[(i) Monitor a recipient's active caseload]:

1. Upon available funding, at a minimum one (1):

a. Face-to-face contact at least every other month;

b. Face-to-face at place of residence at least annually; and

c. Phone contact during any month a face-to-face contact does not occur; and

2. Document in the KYTBI data system[case record] each contact made with the recipient including the face-to-face visit's time in and out and mileage, if applicable; and

(k)(j) Complete a proposed service plan which shall specify:

1. The name, address, and telephone number of the applicant;

2. The TBI Trust Fund identification number[Social Security number of the applicant];

3. A clinical summary[Medical documentation] of the recipient's traumatic brain injury;

4. An explanation[The applicant's own identification] of needed services and supports;

5. The requested benefit from the fund;

6. Documentation of the recipient's lack of a payor source for the requested service including:

a. An explanation of circumstances leading to the need to request funding; and

b. Attempts to find other funding such as:

(i) An agency denial or documentation of a noncovered service by insurance or other entity;

(ii) Department for Medicaid Services denial; or

(iii) Denial from other community programs[Community action programs denial];

7. The relationship of receipt of the benefit to the applicant's ability to live in the community, consistent with the recipient's overall service goals;

8. Establishment of long term planning goals of how the applicant shall maintain stability after the benefit has been received;

9. The signature of the applicant, or the applicant's legal representative[conservator or guardian], indicating agreement with the terms of the service plan; and

10. The mechanism for distribution of benefits from the fund.

(2) The case manager shall submit the proposed service plan in the KYTBI data system upon completion of all supporting documents[to the service plan review committee for approval].

(3) The program designee shall verify completion of the service plan and place the case on the service plan review list in chronological order of receipt.

Section 9. Service Plan Review Committee Duties. (1) The service plan review committee shall:

(a) Verify the trust fund is payor of last resort of the submitted

service plan specified in Section 8(1)(h)(g) of this administrative regulation, based upon supplemental documents outlined in Section 5(3) and (4) of this administrative regulation;

(b) Verify eligibility of an applicant or recipient's service plan in accordance with Section 5 of this administrative regulation;

(c) Consider a service plan in the chronological[documented] order in which the completed service plan[it] is received;

(d) Review the service plan to determine if:

1. The applicant is eligible for benefits from the fund in accordance with KRS 211.470(3) and 211.474(2) and with Section 5 of this administrative regulation;

2. The benefit requested from the fund meets the requirements of KRS 211.474(2)(d); and

3. The requested services are coordinated by a case manager;

(e) Approve or deny an applicant or recipient's service plan;

(f) Approve[the rates of] reimbursement for the delivery of services according to a recipient's approved service plan; and

(g) Notify the program of an approved or denied service plan.

(2) The service plan review committee may:

(a) Approve the proposed service plan, for a period not to exceed twelve (12) months;

(b) Amend the proposed service plan; or

(c) Deny the proposed service plan and may provide[Make] recommendations to the applicant and the applicant's assigned case manager about other available resources or means to meet the applicant's need for services and supports.

(3) If the applicant disagrees with the decision made[an amendment] by the service plan review committee, the applicant may appeal the decision in accordance with Section 15 of this administrative regulation.

(4) The service plan review committee shall not approve the distribution of a benefit to a recipient in excess of \$15,000 within any twelve (12) month period and \$60,000 per lifetime pursuant to KRS 211.474(2)(c).

(5) The service plan review committee shall not approve the distribution of benefits to an applicant:

(a) Who does not meet the eligibility requirements established in Section 5 of this administrative regulation;

(b) If the requested benefits are intended for a purpose other than the direct health, safety, and welfare of the applicant;

(c) If the applicant fails to demonstrate a good faith effort that no other payor source is available to obtain the requested benefit;

(d) If other resources are available to the applicant to substantially meet a reasonable need for which the benefit is requested, including trusts, settlements, or restitution; or

(e) If the benefit requested is for the purpose of reimbursing the recipient for expenses incurred prior to approval of a service plan by the service plan review committee.

(6) A service plan shall be signed by the director of the program or the director's designee, and the applicant or the applicant's legally responsible individual[conservator or guardian].

Section 10. Approved Service Plan. (1) A recipient shall receive notification[a copy] of an approved benefit based upon the following types of services:

(a) Individual;

(b) Purchased goods; or

(c) Contractors[service plan from the case manager].

(2) A recipient with an approved service plan may change a service provider within an approved service category if there is no increased cost of the service.

(3) A recipient may make a permitted change by informing the case manager by:

(a) Telephone;

(b) Email;

(c) Facsimile; or

(d) In writing.

(4) The case manager may approve a service provider change in a service plan made without review by the service plan review committee.

(5) Involuntary termination and loss of approved benefits shall be initiated if an individual fails to access the approved benefits as

outlined in the service plan within ~~ninety(90)[thirty (30)]~~ calendar[~~(30)~~] days of notification of approval of the service plan without good cause shown.

(a) The recipient or his ~~designee[legal representative]~~ shall have the burden of providing documentation of good cause as to the reason services cannot be accessed within ~~ninety (90)[the thirty] calendar[(30)]~~ days, including:

1. A statement signed by the recipient or legal representative;
2. A copy of letters to providers;
3. A copy of letters from providers; and
4. A copy of documentation from physicians or other health care professionals.

(b) Upon receipt of documentation of good cause, the program shall grant one (1) sixty (60) day extension in writing.

Section 11. Service Provider Requirements[Duties]. (1) A service provider may be:

(a) An employee of the recipient who shall provide:

1. A completed I-9;
 2. A completed W-9;
 3. A signed service agreement;
 4. A criminal background check as required by law;
 5. Verification of abuse, neglect, and fraud training; and
 6. Completed timesheets submitted bi-weekly;
- (b) A licensed or certified agency that shall provide a:
1. Copy of the agency's license or certification;
 2. Signed service agreement; and
 3. Completed W-9; or

(c) A licensed and insured contractor who shall provide:

1. A copy of the business license;
2. A copy of the liability insurance;
3. A completed W-9;
4. A signed service agreement;
5. Pictures before work begins; and
6. Pictures of the completed work.

(2) Upon notification of an approved service plan, the service provider shall:

- (a) Accept the reimbursement[rate] approved in Section 9(1)(f) of this administrative regulation as payment in full;
- (b) Not require additional payment from a recipient;~~and~~
- (c) Submit an invoice for payment to the program entity within forty-five (45)[ninety (90)] days from date of service; and
- (d) Not attempt to recoup from the service plan review committee beyond an approved reimbursement without prior written agreement by the recipient or legal representative.

(3)[(2)] A request for payment submitted after forty-five (45)[ninety (90)] days of the date of service delivery shall not be:

- (a) Reimbursed by the Benefit Management Program; or
- (b) Billed to the board or recipient.

Section 12. Procedures for Distribution of Benefits from the Fund. (1) The program shall distribute the fund to a service provider, contractor, or retailer for services rendered.

(2) The payment ~~terms[mechanism]~~ shall be specified in the service ~~agreement[plan]~~.

(3) The service provider or recipient shall provide to the program~~, on a monthly basis,~~ documentation of the delivery of a service or benefit to a recipient according to the terms of the service agreement.

(4) A service shall be reimbursed or paid if it is delivered in accordance with a recipient's approved service ~~agreement[plan]~~.

(5) An expenditure not included in an approved service ~~agreement[plan]~~ shall not be paid by the provider, board, or cabinet.

(6) The cost of providing case management services to an applicant or recipient shall be exempt from the benefit limits established in Section 9(4) of this administrative regulation.

Section 13. Procedures for Placement on a Waiting List. (1) The program may establish a waiting list for benefits from the fund if it determines that no further funding is available~~[during the fiscal year]~~.

(2) The waiting list shall be implemented as follows:

(a) An applicant or recipient shall be placed on the waiting list upon receipt, completion, and verification of a service plan by a ~~program designee[of a referral for assistance from the fund]~~.

(b) The order of placement on the waiting list shall be determined chronologically by date and time of ~~verification[the referral for assistance from the fund]~~.

(c) A recipient shall be notified by his case manager of ~~verification of placement on the waiting list[written notification of the date and placement on the waiting list shall be mailed to the individual or his legal representative]~~.

(3) The applicant shall be removed from the waiting list if:

(a)~~[After a documented attempt, the program is unable to locate the applicant or his legal representative as specified in Section 14(1)(f) of this administrative regulation;~~

(b)~~] The applicant secures requested benefit through another resource;~~

(b)~~[(c)] The applicant refuses a benefit in an approved service plan, unless the individual has made a permitted change in accordance with Section 10(2) through (4) of this administrative regulation; or~~

(c)~~[(d)] The applicant is deceased[-or~~

(e) ~~The applicant is discharged from the program in accordance with Section 15 of this administrative regulation]~~.

(4) The removal from the waiting list shall not prevent the submission of a new application at a later date for the applicant.

(5) If the applicant is removed from the waiting list, the program shall notify the applicant, or his legal representative, in writing within ten (10) business days from the removal.

Section 14. Discharge Criteria. (1) A recipient shall be discharged from the Brain Injury Trust Fund Program if:

(a) The recipient reaches the maximum \$60,000 lifetime benefit, except if the board waives the expenditure in accordance with KRS 211.474(2)(c);

(b)~~[A service plan is completed for an approved timeframe and if no other program is needed;~~

(c) ~~A requested service plan is denied;~~

(d) The recipient is noncompliant with program requirements[a plan of care];

(c)~~[(e)] The recipient chooses to be terminated from participation in the program;~~

(d)~~[(f)] Contact cannot be made with the recipient by the program within three (3) months of last case management contact;~~

(g) The recipient, caregiver, family, or guardian threatens or intimidates a case manager or other program staff;

(e)~~[(h)] Services accessed are referred and provided by another agency for continued service, if applicable;~~

(f) There is a substantiation of fraud related to the program involving:

1. The recipient; or

2. Both the recipient and the service provider[The recipient or service provider has had a substantiation of fraud related to the program].

(g) The recipient is no longer eligible pursuant to KRS 211.470(3)(a) through (f); or

(h)~~[(i)] No case management services are provided within six (6) months; or~~

(i) The recipient is deceased.

(2) A recipient may be discharged from the Brain Injury Trust Fund Program if:

(a) A service plan is completed for an approved timeframe and no other service is needed;

(b) A requested service plan is denied;

(c) Contact cannot be made with the recipient by the program within three (3) months of last case management contact; or

(d) No case management services have been provided within a six (6) month period.

(3) Recipients may reapply to the program without submittal of medical records except in accordance with subsection (1)(a) of this section.

(4)[(3)] All discharges shall be appealable in accordance with Section 15, except in accordance with subsection (1)(a) or (f) of this section[subject].

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Section 15. Procedures for Appealing the Denial of an Application for Benefits from the Fund. (1) If an applicant is determined to be ineligible for benefits from the fund because medical records do not provide documentation of a traumatic brain injury, the applicant may submit:

(a) Medical documentation to support the diagnosis of the injury; or

(b) Additional medical opinions about the disability.

(2)(a) The program shall notify the applicant in writing if the service plan review committee does not approve a requested benefit.

(b) Notification shall be made within five (5) business days of the committee's decision. ~~[(2) If an applicant is determined to be ineligible for benefits from the fund because medical records do not provide documentation of a traumatic brain injury, the applicant may submit:~~

~~(a) Medical documentation to support the diagnosis of the injury; or~~

~~(b) Additional medical opinions about the disability.]~~

(3) The program or the board shall not be liable for the cost of:

(a) A medical opinion obtained by an applicant; or

(b) An appeal.

(4) An applicant who wishes to appeal the denial of eligibility or benefits shall notify the program, in writing, within thirty (30) days of notification of the denial.

(5) Upon receipt of a written appeal, the program shall encumber funds if applicable and available in the amount requested until final resolution of the appeal.

(6) The program shall acknowledge receipt of a written appeal to the applicant, in writing, within three (3) business days of receipt.

(7) The program shall provide an opportunity for an informal dispute resolution for an applicant or his representative:

(a) To appear before the program director or designee and the benefits management program administrator~~[executive committee board]~~ to present facts or concerns about the denial~~[of benefits]~~; and

(b) Within ten (10) business days of receipt of written appeal.

(8) The program shall inform an applicant, in writing, of the decision resulting from the informal dispute resolution within ten (10) business days of the review.

(9) An applicant dissatisfied with the result of the informal dispute resolution may appeal to the Division of Administrative Hearings of the Office of Communications and Administrative Review. The appeal shall be:

(a) In writing;

(b) Made within thirty calendar (30) days of receipt of the decision by the program; and

(c) Submitted to the Department for Aging and Independent Living, 275 East Main Street, Frankfort, Kentucky 40621.

(10) The department shall request the Division of Administrative Hearings of the Office of Communications and Administrative Review to conduct a hearing pursuant to KRS Chapter 13B.

DEBORAH S. ANDERSON, Commissioner

AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: November 12, 2014

FILED WITH LRC: November 13, 2014 at 2 p.m.

CONTACT PERSON: Tricia Orme, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40621, phone 502-564-7905, fax 502-564-7573, email tricia.orme@ky.gov.

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Income Support

Child Support Enforcement

(As Amended at ARRS, February 9, 2015)

921 KAR 1:410. Child support collection and enforcement.

RELATES TO: KRS 13B.010(2), 15.055, 67A.620, 95.620(1), 95.878, 131.570, 161.700(1), 186.570(2), 205.594, 205.595, 205.7685, 205.710-205.802, 237.110(4), 403.211-403.215,

405.060(2), (3), 405.405-405.991, 407.5101-407.5902, ~~[427.120,]~~ 427.125, 31 C.F.R. 285.1~~[and]~~, 285.3, 45 C.F.R. 302.32-302.36, 302.60-302.80, 303.3, 303.6, 303.31, 303.32, 303.35, 303.70, 303.72, 303.100-303.102, 303.104, 15 U.S.C. 1673, 42 U.S.C. 652, 654, 659, 664, 666(a)(1)-(4), (6)-(12), (14)-(19), (b), ~~[and,]~~ (c)

STATUTORY AUTHORITY: KRS 15.055(2), 186.570(2), 194A.050(1), 205.712(2)(o), 205.712(16), 205.745(9), 205.7685(3), 205.795, 405.411(2), 405.520, 42 U.S.C. 652, 653, 654, 656, 659, 666(a), (b), ~~[and,]~~ (c), ~~669a~~~~[669A]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary to promulgate administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. 42 U.S.C. 666 requires states to have laws that prescribe procedures to improve effectiveness of child support enforcement. KRS 205.712(2)(o) requires the Cabinet for Health and Family Services to collect and enforce child support obligations and authorizes the cabinet to promulgate administrative regulations to implement its duties. This administrative regulation establishes procedures for collection and enforcement of child support.

Section 1. Definition~~[Definitions]~~. "Lump sum payment of any kind" means a lump sum payment of earnings as defined in KRS 427.005.

Section 2. Collection. (1) Income withholding shall be used for the collection of a support obligation or health insurance coverage in an order being enforced by the Child Support Enforcement (CSE) program.

(2) The cabinet shall issue~~[notify an employer or other income source of a request for income withholding by sending, certified mail, returned receipt requested,]~~ the CS-89, Income Withholding for Support~~[,]~~ and CS-72, National Medical Support Notice to an employer or other income source:

(a) Within fifteen (15) calendar days of a request for income withholding; or

(b) Within two (2) working days after entry of an obligor into the State Directory of New Hires.

(3) The employer or other income source shall:

(a) Implement income withholding no later than the first pay period that occurs after fourteen (14) working days following the date of the CS-89; and

(b) Transfer the CS-72 to the employer's health plan administrator within twenty (20) business days after receipt of the notice.

(4) The employer or other income source, in accordance with KRS 405.465(4) and (6)(a), may deduct the sum of one (1) dollar for each payment made pursuant to the order.

(5) The total amount to be withheld shall not exceed the maximum amount allowed under 15 U.S.C. 1673(b).

(6) In the case of an initial withholding, the cabinet shall send the obligor a copy of the CS-89 in order to notify the obligor that the income withholding:

(a) May be contested by requesting an administrative hearing pursuant to 921 KAR 1:430, in accordance with KRS 405.467(4); and

(b) Shall apply to the current and any subsequent employer.

(7) The health plan administrator shall notify the obligor and the cabinet of the health insurance coverage within forty (40) working days of receipt of the CS-72.

(8) If an obligor terminates employment, the employer or other income source shall notify the cabinet of the obligor's last known address and name of the new employer, if known, in accordance with KRS 405.465(5).

(9) An obligor shall inform the cabinet of any changes in:

(a) A current employer or source of income;

(b) Access to health insurance; and

(c) Residential or mailing address.

(10) If an obligor transfers or assigns income or income-producing property after receipt of notification of a child support obligation, the cabinet shall take action pursuant to KRS 405.060.

(11) If an arrearage only amount is subject to withholding, the arrearage payment and frequency of payment shall be equal to the payment and frequency last designated by court or administrative order.

(12) The employer or other income source shall forward:

(a) The support obligation payment to the state disbursement unit in the child support agency within seven (7) working days from the date an amount is withheld; or

(b) The medical insurance premium to the health insurance carrier or notify the cabinet prior to payment if more than one (1) option is available under a plan within twenty (20) business days.

(13) The employer or other income source shall include on the transmittal to the cabinet the obligor's:

(a) Name;

(b) Social Security number; and

(c) Cabinet-assigned identification number.

(14) The employer or other source of income shall not be required to change payroll frequency but shall withhold:

(a) At least once monthly; and

(b) May combine withheld amounts from more than one (1) obligor's income in a single payment to the cabinet, if the amount attributable to each obligor is identified by:

1. Name;

2. Social Security number; and

3. Cabinet-assigned identification number.

(15)(a) An employer with twenty (20) or more employees shall provide written notification of a lump sum payment of any kind of \$150 or more to be made to an employee who is currently under an income withholding order, in accordance with KRS 405.465.

1. The written notice to the cabinet shall include the following:

a. Name of the employee;

b. Social Security number of the employee;

c. Amount of the lump sum payment; and

d. Intended payment date.

2. The notice may include multiple employees on one (1) written notification if the information in accordance with this subparagraph 1 of this paragraph is provided for each employee.

(b) Upon receipt of notification of a lump sum payment, Child Support Enforcement shall determine if the employee owes an arrearage on a support obligation enforced by the cabinet.

(c) If the employee owes no arrearage, Child Support Enforcement or its designee shall[may] notify the employer to release the lump sum payment to the employee.

(d) If the employee owes an arrearage, pursuant to paragraph (b) of this subsection, Child Support Enforcement or its designee shall initiate:

1. A court order to the employer in accordance with KRS 405.465; or

2. An administrative order in accordance with KRS 405.470.

(e) If Child Support Enforcement or its designee does not contact the employer, the employer shall:

1. Hold the lump sum for thirty (30) calendar days, in accordance with KRS 405.465(6)(a), from the projected date of its release; and

2. Release the lump sum payment to the employee after the 30th calendar day, unless the employer has received from Child Support Enforcement or its designee a court order or an administrative order to withhold any portion of the lump sum payment.

(16) If an obligor receives unemployment compensation benefits, the cabinet shall:

(a) Through an agreement with the Education Cabinet, Office of Employment and Training, submit a CS-76, Unemployment Insurance Notice of Withholding, to the Department of Unemployment Insurance within the Education Cabinet to collect a child support payment from an obligor receiving unemployment compensation; and]

(b) Notify an obligor with a CS-73, Unemployment Insurance Letter, along with a copy of the CS-76, Unemployment Insurance Notice of Withholding that:

1. Current child support obligation or delinquency is owed;

2. The cabinet has completed a CS-76 to order withholding of:

a. Fifty (50) percent of the unemployment benefit; or

b. The amount of the assigned support obligation, whichever is less; and

3. The obligor may contest the withholding by requesting an administrative hearing as specified in 921 KAR 1:430.

Section 3. Support Collection by Methods Other than Collection through Income Withholding. (1) Federal income tax refund offset and federal administrative offset.

(a) A public assistance case shall qualify for offset if there is:

1. A court-ordered or administratively-established support obligation;

2. An assignment of support to the cabinet;

3. An arrearage of at least \$150; and

4. Cabinet verification of the accuracy of the obligor's name and Social Security number.

(b) A nonpublic assistance case, for which the cabinet is providing services, involving past-due child support, a specific dollar amount of medical support, or spousal support shall qualify for offset if the:

1. Cabinet is enforcing a court-ordered or administratively-established support obligation;

2. Cabinet verifies accuracy of the obligor's name and Social Security number;

3. Nonpublic assistance arrearage owed is equal to or greater than \$500, exclusive of fees, court costs, or other non-child support debt; and

4. Cabinet has the following:

a. A copy of the current support order;

b. A copy of the payment record; and

c. The custodial parent's last known address.

(c)1. If a case is submitted for federal tax refund offset, the case may be subject to federal administrative offset of nonexempt federal payments pursuant to 42 U.S.C. 664 and 31 C.F.R. 285.1 and 285.3.

2. Nonexempt federal payments shall be denied to individuals owing a child support arrearage as defined in paragraphs (a) and (b) of this subsection.

(d) An Advance Notice of Intent to Collect Past Due Support, Form CS-122, shall be sent to the obligor of the intent to intercept the tax refund and the administrative offset to be applied to the obligor's account. The notice shall inform noncustodial parents:

1. Of their right to contest the fact that past due support is owed or the amount of past due support by requesting an administrative hearing;

2. Of the procedures and timeframe for contacting CSE to request an administrative hearing;

3. That the hearing shall be conducted by the submitting state unless the noncustodial parent requests the hearing be conducted by the state with the order upon which the referral for offset is based; and

4. That, in the case of a joint return, the Secretary of the U.S. Treasury shall notify the noncustodial parent's spouse at the time of offset regarding the steps to take to protect the share of the refund which may be payable to that spouse.

(2) State income tax refund offset.

(a) A public assistance case and nonpublic assistance case shall qualify for offset if there is:

1. A court-ordered or administratively-established support obligation;

2. An assignment of support to the cabinet or the Child Support Enforcement program is providing services involving past due child support, a specific dollar amount of medical support, or spousal support;

3. An arrearage of at least \$150; and

4. Cabinet verification of the accuracy of the obligor's name and Social Security number.

(b) In accordance with KRS 131.570, an advance written notice shall be sent to the obligor that he may contest the accuracy of a past due amount by requesting an administrative hearing as specified in 921 KAR 1:430.

(3) Tort claim settlements and state administrative offset. The cabinet shall:

(a) Identify a child support case for state administrative offset,

including tort claim settlements, if a child support case meets the criteria specified in subsection (2)(a) or (b) of this section; and

(b) Notify the Finance and Administration Cabinet to offset administrative payments, including tort claim settlements, in accordance with KRS 205.712(17), for a case identified in paragraph (a) of this subsection.

(4) Financial Institution Data Match (FIDM). The cabinet shall:

(a) Use the following criteria to identify a case for seizure of assets:

1.a. Assignment of support is made to the cabinet; or

b. Child Support Enforcement program is providing support services; and

2. The obligor owes past-due support in an amount equal to or greater than one (1) month's support obligation;

(b) Issue a CS-68, Order to Withhold and Deliver, and CS-69, Answer to Withhold and Deliver, to a financial institution holding the obligor's account or accounts;

(c) Issue a CS-68 and CS-121, Noncustodial Parent's Answer to Withhold and Deliver, to the obligor within two (2) working days:

1. After both of the forms specified in paragraph (b) of this subsection are issued to the financial institution; and

2. To notify the obligor that the funds in the account with the financial institution may be retained by requesting an administrative hearing to contest the Order to Withhold and Deliver in accordance with 921 KAR 1:430;

(d) Notify an obligor that to retain the funds in the account with the financial institution, an obligor shall take one (1) of the following actions within twenty (20) calendar days from the date of receipt of a CS-68:

1. Pay the total arrearage;

2. Request and administrative hearing to contest the CS-68; or

3. Post a bond satisfactory to the cabinet; and

(e) After an administrative hearing, if a case does not qualify for the withhold and deliver process, send a CS-70, Release of Order to Withhold and Deliver to:

1. The obligor; and

2. The financial institution.

(5) If a seizure of assets request is identified, as specified in subsection (4)(a) of this section, and is initiated from outside the commonwealth as a result of a FIDM, pursuant to 42 U.S.C. 666(a)(17), the cabinet shall comply with KRS 205.712, 407.5305, and 407.5507 to issue:

(a) A CS-68 and a CS-69 to a financial institution holding the obligor's account or accounts;

(b) A CS-68 and a CS-121, Noncustodial Parent's Answer to Withhold and Deliver, to the obligor within two (2) working days after both of the forms specified in paragraph (a) of this subsection are issued to the financial institution; and

(c) A CS-70 to the financial institution **[.]** if the initiating state's request is withdrawn.

Section 4. Enforcement Actions. (1) Liens.

(a) The cabinet shall file a lien on an obligor's interest in personal or real property, in accordance with KRS 205.745, if:

1. The obligor owes an arrearage equal to or greater than one (1) month's obligation;

2. The child support has been assigned to the cabinet;

3. The property has been identified and located; and

4. The value of the property exceeds the costs related to filing the lien.

(b) To file a lien, the cabinet shall:

1. Issue a CS-85, Notice of Lien, for property within or outside Kentucky in accordance with KRS 205.745 or 205.7785; and

2. Provide a CS-119, Noncustodial Parent's Notice of Lien, along with a copy of the CS-85 to the obligor notifying him that:

a. The obligor may contest the lien as specified in 921 KAR 1:430;

b. A transfer of property in order to avoid payment shall be considered an act of fraud, in accordance with KRS 405.060(2); and

c. If the obligor makes full payment of the arrearage, including interest, penalties, and fees, a CS-120, Release of Lien, shall be provided to the obligor.

(c) To release a lien, the cabinet shall provide a CS-120, Release of Lien, to the obligor.

(2) License and certificate denial, suspension, or revocation.

(a) If an obligor owes an arrearage equal to or greater than six (6) months of an assigned support obligation or fails to comply with a subpoena or warrant relating to paternity or child support proceedings, as established in KRS 205.712(9):

1. The cabinet shall forward the name of the individual to a board of licensure or board of certification for the notification of the denial, revocation, or suspension of a driver's license, professional license or certification, occupational license or certification, recreational license, or sporting license.

2. The denial or suspension shall remain in effect until:

a. The obligor makes full payment of the arrears;

b. Payments on the past due child support are made in accordance with a court order, an administrative order, or Payment Agreement, CS-78;

c. The obligor complies with the subpoena or a warrant relating to paternity or child support proceedings has been removed;

d. The obligor provides supporting documentation of extenuating circumstances that is accepted by the cabinet; or

e. The appeal of the denial or suspension is upheld and the license is reinstated.

3. The cabinet shall send to the obligor a CS-44, Notice of Intent to Request Denial or Suspension, which includes:

a. A section for an Answer to Notice of Intent providing the obligor with notice of the obligor's right to request an administrative hearing contesting the action as specified in 921 KAR 1:430; and

b. Notification that the CS-63, Notice to Licensing/Certification Board or Agency shall be rescinded if an action specified in paragraph (a)2 of this subsection has been taken.

4. The cabinet shall send to the issuing agency or board of licensure or certification a CS-63, if an action in **subparagraph 2 of this paragraph [(a)2 of this subsection]** has not been taken.

5. The cabinet shall send to the issuing agency or board of licensure or certification a CS-63, within twenty (20) calendar days of the date of administrative hearing decision, if an administrative hearing results in a finding that the case qualifies for:

a. A license or certificate denial;

b. Suspension; or

c. Revocation.

6. The cabinet shall notify the issuing board or agency that the obligor is no longer subject to denial, suspension, or revocation, if the obligor, in accordance with KRS 205.712(11):

a. Has eliminated the child support arrearage;

b. Is making payments on the child support arrearage in accordance with a court or administrative order; or

c. Complies with a subpoena or warrant relating to paternity or child support proceedings.

(b) If an obligor owes an arrearage equal to or greater than one (1) year's obligation, the cabinet shall take action against a license to carry a concealed deadly weapon as specified in KRS 237.110(4).

(3) Vehicle booting.

(a) If an obligor owes an arrearage equal to or greater than six (6) months obligation of an assigned support obligation and fails to comply with a subpoena or warrant relating to a child support proceeding, the cabinet may enforce a lien on a vehicle registered to the obligor by immobilization with a vehicle boot as established in KRS 205.745(9).

(b) The cabinet shall:

1. Verify with the Department of Vehicle Regulation that the vehicle identification number for the vehicle to be booted is register in the obligor's name;

2. Verify the vehicle to be booted is solely owned by the obligor, co-owned by the obligor and current spouse, or owned by a business in which the obligor is the sole proprietor;

3. Send a notice of intent to the obligor, unless there is reason to believe that the obligor will leave town or hide the vehicle;

4. File a lien in the county where the vehicle is kept; and

5. Set a target date for booting the vehicle, if the obligor does not contact the cabinet within ten (10) days of notice to negotiate a settlement.

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(c) The cabinet shall send a cancellation notice to the obligor and to the appropriate local law enforcement personnel to terminate the booting of the vehicle.

(4) Newspaper publication of a list of delinquent obligors. If an obligor owes an arrearage equal to or greater than six (6) months of an assigned support obligation or fails to comply with a subpoena or warrant relating to paternity or child support proceedings, as established in KRS 405.411, a cabinet designee under 205.712(6) may:

(a) Compile and furnish a list to a newspaper of general circulation in that county for publication; and

(b) Include the name, last known address, and the past due amount owed by the obligor.

(5) Passport denial, revocation, or limitation. If the obligor owes an arrearage of \$2,500 or more, in accordance with 42. U.S.C. 652 and 654(31), the cabinet shall:

(a)1. Provide the Advance Notice of Intent to Collect Past due Support, CS-122, to the obligor of the determination to be referred for passport denial, revocation, or limitation; and

2. Include in the notice the consequences of the referral and the right to contest the action by requesting a hearing in accordance with KRS 205.712(8);

(b) Provide the U.S. Secretary of Health and Human Services the names of individuals and supporting documentation for the denial, revocation, or limitation of the obligor's passport; and

(c) Notify the Secretary of the U.S. Department of Health and Human Services that the cabinet requests the release of the passport of an obligor that had been denied if any of the following criteria are met:

1. There was an erroneous submittal of a Social Security number;

2. There is a case of mistaken identity and the cabinet has verified this information;

3. The obligor is required to pay the past due support in full;

4. The obligor provides documentation on company letterhead verifying travel for employment or business purposes and makes alternate payment arrangements acceptable to the cabinet; or

5. There are extenuating circumstances in which the reason for travel is a family emergency and supporting documentation is provided to and accepted by the cabinet.

(6) Delinquent list.

(a) The cabinet shall provide to the Office of the Attorney General a list of names of delinquent obligors for publication on the Internet, as established in KRS 15.055 and 205.712(16).

(b) The cabinet shall send the obligor meeting the criteria in 40 KAR 1:080 a CS-175, Notice of Intent to Place Noncustodial Parent's Name on Delinquent Listing notifying him of his right to contest by requesting a hearing.

(7) Consumer Reporting Agency (CRA). Prior to requesting information from a CRA for enforcement purposes and if/when the obligor has not provided written consent for CSE to request information from a CRA, the cabinet shall notify the obligor:

(a) By sending a CS-93, Advanced Notice of Intent to Request Information from Credit Reporting Agency Full Credit Report; and

(b) In accordance with KRS 205.7685(2).

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

(a) "CS-44 Notice of Intent to Request Denial or Suspension", [edition] 9/10;

(b) "CS-63 Notice to Licensing/Certification Board or Agency", [edition] 9/10;

(c) "CS-68 Order to Withhold and Deliver", [edition] 9/10;

(d) "CS-69 Answer to Withhold and Deliver", [edition] 9/10;

(e) "CS-70 Release of Order to Withhold and Deliver", [edition] 9/10;

(f) "CS-72 National Medical Support Notice", 3/15/2/15 [edition 40/42];

(g) "CS-73 Unemployment Insurance Letter", [edition] 9/10;

(h) "CS-76 Unemployment Insurance Notice of Withholding", [edition] 9/10;

(i) "CS-78 Payment Agreement", [edition] 9/10;

(j) "CS-85 Notice of Lien", [edition] 10/12;

(k) "CS-89 Income Withholding for Support", 3/15/2/15 [edition 40/42];

(l) "CS-93 Notice of Intent to Request Information from Credit Reporting Agency", 3/15/Full Credit Report", 8/14;

(m) "CS-119 Noncustodial Parent's Notice of Lien", [edition] 9/10;

(n) [({m})] "CS-120 Notice to Release of Lien", [edition] 9/10;

(o) [({n})] "CS-121 Noncustodial Parent's Answer to Withhold and Deliver", [edition] 9/10;

(p) [({o})] "CS-122 Advance Notice of Intent to Collect Past-Due Support", [edition] 10/12; and

(q) [({p})] "CS-175 Notice of Intent to Place Noncustodial Parent's Name on Delinquent Listing", [edition] 4/09.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Income Support, Child Support Enforcement, 730 Schenkel Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

STEVEN P. VENO, Commissioner

AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: December 10, 2014

FILED WITH LRC: December 11, 2014 at 3 p.m.

CONTACT PERSON: Tricia Orme, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40621, phone 502-564-7905, fax 502-564-7573, email tricia.orme@ky.gov.

CABINET FOR HEALTH AND FAMILY SERVICES Department for Community Based Services Division of Child Care (As Amended at ARRS, February 9, 2015)

922 KAR 2:160. Child Care Assistance Program.

RELATES TO: KRS[84-040-] 194A.060, 199.892, 199.894(1),(5), 199.896, 199.898(1), (2), 199.8982, 199.899, 199.8994, 214.036, 314.011(5), 337.275, 600.020(49), 605.120(5), 620.020(10), 2014 Ky. Acts ch. 117, Part 1, G.9(3), 7 C.F.R. 1463, 2012, 20 C.F.R. 652, 660-671, 45 C.F.R. 98, 205.10(a)(6), 205.50(a)(1)(i), 400.66(d), 25 U.S.C. 459, 1261, 1401, 29 U.S.C. 723(a)(5), 38 U.S.C. 1815, 42 U.S.C. 601-619, 1451, 1771, 1775, 2000d, 3001, 4950-5084, 8621, 9902(2), 9858-9858g, 10602(c)[- Pub.L. 110-246]

STATUTORY AUTHORITY: KRS 194A.050(1), 199.892, 199.8994

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet, qualify for the receipt of federal funds, and cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 199.892 enables the Cabinet for Health and Family Services to promulgate administrative regulations to qualify to receive federal funds under provisions of the federal Social Security Act, 42 U.S.C. 601-619, and to provide for effective regulation of child care centers. KRS 199.8994 requires the cabinet to administer all child care funds to the extent allowable under federal law or regulation and in a manner which is in the best interest of the clients to be served. This administrative regulation establishes requirements that enable the Cabinet for Health and Family Services to qualify for federal funds under the Child Care and Development Fund, and establishes procedures for the implementation of the Child Care Assistance Program to the extent that funding is available.

Section 1. Definitions. (1) "Applicant" means a child's natural or adoptive parent or an individual caring for a child in loco parentis who is applying for CCAP.

(2) "Cabinet" is defined by KRS 199.894(1).

(3) "Change in a circumstance" means a change that affects eligibility or benefit amounts and includes:

- (a) Beginning or ending employment;
- (b) Change in an employer or obtaining additional employment;
- (c) Increase or decrease in the number of work hours;
- (d) Increase or decrease in the rate of pay;
- (e) Increase or decrease in family members;
- (f) Change in self-employment activity;
- (g) Change in scheduled hours care is needed;
- (h) Beginning or ending an educational activity;
- (i) Change in child care provider;
- (j) Change in address or residence;
- (k) Change in marital status; or
- (l) Beginning or ending receipt of unearned income.

(4) "Child care" means the provision of care for a child for a portion of a day on a regular basis, designed to supplement, but not substitute for, the parent's responsibility for the child's protection, development, and supervision.

(5) "Child care and development fund" or "CCDF" is defined by 45 C.F.R. 98.2.

(6) "Child Care Assistance Program" or "CCAP" means Kentucky's child care subsidy program providing families, who meet the eligibility requirements of this administrative regulation, with the financial resources to find and afford quality child care.

(7) "Child care certificate" is defined by 45 C.F.R. 98.2.

(8) "Child protective services" is defined in 922 KAR 1:330, Section 1(3).

(9) "Child with a special need" means a child who has multiple or severe functional needs requiring ongoing specialized care.

(10) "Employment" means public or private, permanent or temporary work for an average of twenty (20) hours per week for compensation or as an unpaid job requirement.

(11) "Family" means an applicant or parent, a child, and another responsible adult if present, residing in the same home.

(12) "Family child-care home" is defined by KRS 199.894(5);

(a) is defined by KRS 199.894(5);

(b) is described in KRS 199.8982; and

(c) Means a home certified in accordance with 922 KAR 2:100.

(13) "Full day" means child care that is provided for five (5) or more hours per day.

(14) "Health professional" means a person actively licensed as a:

- (a) Physician;
- (b) Physician's assistant;
- (c) Advanced practice registered nurse [practitioner];
- (d) Qualified mental health professional as defined by KRS 600.020 (50) [(49)]; or

(e) Registered nurse as defined by KRS 314.011(5) under the supervision of a physician.

(15) "In loco parentis" means a person acting in place of a parent, including:

- (a) A legal guardian;
- (b) An individual related by blood, marriage, or adoption to the child; or
- (c) A nonrelative pursuing legal custody of the child within one

(1) year of application.

(16) "Infant" means a child who is less than one (1) year old.

(17) "Kentucky Transitional Assistance Program" or "K-TAP" means Kentucky's Temporary Assistance for Needy Families or "TANF" money payment program established in 921 KAR Chapter 2.

~~(18) "Nonurban" means a county without a first, second, or third class city as specified in KRS 81.010(1) through (3).~~

~~(49) "Parent" is defined by 45 C.F.R. 98.2.~~

~~(19) [(20)] "Part day" means child care that is provided for less than five (5) hours per day.~~

~~(20) [(21)] "Preschool child" means a child who has reached the third birthday up to, but not including, the sixth birthday.~~

~~(21) [(22)] "Preventive services" is defined by KRS 620.020(10).~~

~~(22) [(23)] "Provider" means the entity providing child care services.~~

~~(23) [(24)] "Qualified alien" means a child who meets the requirements of 921 KAR 2:006, Section 1(14).~~

~~(24) [(25)] "Registered provider" means a child care provider~~

who meets the requirements of 922 KAR 2:180.

~~(25) [(26)] "Related" means having one (1) of the following relationships:~~

- ~~(a) Child;~~
- ~~(b) Stepchild;~~
- ~~(c) Grandchild;~~
- ~~(d) Great-grandchild;~~
- ~~(e) Niece;~~
- ~~(f) Nephew;~~
- ~~(g) Sibling;~~
- ~~(h) Child in legal custody; or~~
- ~~(i) Child living in loco parentis.~~

~~(26) [(27)] "Responsible adult" means a person other than the applicant who is in the child's household and who is:~~

- ~~(a) The natural parent, adoptive parent, or stepparent; or~~
- ~~(b) The spouse of an individual caring for a child in loco parentis.~~

~~(27) [(28)] "School-age child" means a child who has reached the sixth birthday.~~

~~(28) "Supplemental Nutrition Assistance Program" or "SNAP" means the program, formerly known as the Food Stamp Program:~~

~~(a) Defined by 7 U.S.C. 2012; and~~

~~(b) Governed by 921 KAR Chapter 3.~~

~~(29) "Teenage parent" means a parent who is nineteen (19) years of age or younger.~~

~~(30) "Toddler" means a child who has reached the first birthday up to, but not including, the third birthday. [(31) "Urban" means a county listed in KRS 81.010(1) through (3) as having a first, second, or third class city.]~~

Section 2. Application Rights and Requirements. (1) An individual may apply or reapply for CCAP through the cabinet or its designee.

(2)(a) Unless an applicant is approved according to the criteria in Section 5 or 6 of this administrative regulation, an application shall have been made on the date:

1. A signed DCC-90, Application for Subsidized Child Care Assistance, or DCC-90.1, Intent to Apply for Child Care Assistance, is received at the cabinet or its designee office; or

2. The agency is contacted, if the person:

- a. Has a physical or mental disability; and
- b. Needs special accommodation due to the impairment.

(b) If the applicant is physically unable to come to the office to apply, the applicant may designate an authorized representative to make application.

(c) The applicant may be:

1. Assisted by another individual of choice in the application process; and

2. Accompanied by the individual in a contact with the agency.

(d) In accordance with the procedures described in 920 KAR 1:070, interpreter services shall be provided for persons who are:

- 1. Deaf; or
- 2. Hard of hearing.

(e) Interpreter services shall be provided for a non-English speaking individual in accordance with Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d.

(3) The cabinet or its designee shall not discriminate against an applicant based on age, race, color, sex, disability, religious creed, national origin, or political beliefs.

(4) For the month child care payment is intended to cover, a family shall meet the technical and financial eligibility criteria, according to its particular circumstances, as described in Sections 3, 4, 5, 6, and 7 of this administrative regulation.

(a) The applicant or recipient shall be the primary source of information and shall:

1. Furnish verification of:

- a. Income;
- b. Technical eligibility; and
- c. Employment; and

2. Give written consent to the cabinet or its designee necessary to verify information pertinent to the eligibility determination.

(b) Upon receiving written notice of a request for information or

a scheduled appointment to present required documentation, failure of an applicant or recipient to respond shall be considered a failure to present adequate proof of eligibility.

(5) The cabinet or its designee shall:

(a) Render a decision on each application; and

(b) Send a DCC-105, Child Care Assistance Program Notice of Action, to the applicant in accordance with Section 11(5) of this administrative regulation to provide written notification of the decision within thirty (30) calendar days of receipt of the application submitted in accordance with subsection (2) of this section.

(6) Each decision regarding eligibility for assistance shall be supported by documentation recorded in the applicant or recipient's case record.

(7) A family shall not receive:

(a) Assistance until approval of the application for benefits; or

(b) Benefits prior to application.

Section 3. Technical Eligibility. (1) A child shall be eligible for child care assistance, if the child:

(a) Is a:

1. Resident of Kentucky; and

2. U.S. citizen or qualified alien;

(b) Is under age:

1. Thirteen (13); or

2. Nineteen (19) and is:

a. Physically or mentally incapable of caring for himself, as demonstrated by a written document provided by a health professional;

b. Under court supervision; or

c. Identified as a priority by federal statute, regulation, or funding source; and

(c) Has a current immunization certificate showing that the child is immunized, unless:

1. There is an exception pursuant to KRS 214.036; or

2. The child is attending a:

a. Licensed child-care[~~child-care~~] center;

b. Certified child-care[~~child-care~~] home;

c. Public school;

d. Head Start; or

e. Other entity that requires the immunization record.

(2) If a child served by the CCAP is not immunized, child care assistance benefits shall be available or continue for a period of thirty (30) calendar days following the notification of the needed immunization while the family takes necessary action to comply with the immunization requirement.

(3) A family shall not be eligible for a CCAP benefit if care is provided by:

(a) A parent or stepparent;

(b) A legal guardian;

(c) A member of the K-TAP or SNAP[~~food-stamp assistance~~] case in which the child in need of child care assistance is included;

(d) A person living in the same residence as the child in need of care;

(e) A provider not:

1. Licensed according to 922 KAR 2:090, Child care center licensure;

2. Certified according to 922 KAR 2:100, Certification of family child care homes; or

3. Registered according to 922 KAR 2:180, Requirements for registered child care providers in the Child Care Assistance Program;

(f) Effective August 15, 2015, a licensed child-care center or certified family child-care home that does not participate in the quality rating program governed by 922 KAR 2:170 or 922 KAR 2:210, unless an exception is granted pursuant to Section 12(8) of this administrative regulation;

(g) A Head Start program unless the child care is provided before, after, or in between the Head Start program's operating hours as wrap-around child care[~~An alternative program such as Head Start, state preschool, or state kindergarten~~]; or

(h)[(g)] Another child care provider if the family operates the child care business in the home.

(4) If the restrictions specified in subsection (3) of this section

do not apply to the provider related to the child, the provider related to the child may be eligible for payment from CCAP if the requirements of 922 KAR 2:180 are met.

(5) A child in foster care shall not be eligible for CCAP.

Section 4. Requirements for Low Income Working Family Eligibility Determination. (1) A child shall be eligible to receive CCAP if the child meets the requirements specified in Section 3 of this administrative regulation and resides with:

(a) An applicant who has employment an average twenty (20) hours per week;

(b) An applicant and a responsible adult who have employment an average of forty (40) hours per week combined, if the individual with the least employment has an average of at least five (5) hours of employment per week;

(c) An applicant and a responsible adult if either the applicant or the responsible adult has employment an average of twenty (20) hours per week, and the other is physically or mentally unable to provide adequate care or supervision as documented by a written statement from a health professional;

(d) An applicant who:

1. Loses employment through no fault of their own up to four (4) weeks;

2. Is on maternity leave for up to six (6) weeks; or

3. Is on medical leave from employment due to a health condition verified by a health professional for up to six (6) weeks;

(e) A relative caregiver pursuant to the conditions of a program established by KRS 605.120(5), who meets:

1. All requirements in this section; and

2. Income eligibility standards in Section 7[(1)]; or

(f) A teen parent attending high school or pursuing a general equivalency degree (GED).

(2) Compliance with subsection (1) of this section for an applicant or a responsible adult who is self-employed shall be determined by dividing income calculated in accordance with Section 7(7)(d) of this administrative regulation by minimum wage established in accordance with KRS 337.275.

(3) An applicant eligible in accordance with this section shall sign and return the DCC-91, Client Rights and Responsibilities Sheet, and the DCC-94, Child Care Service Agreement and Certificate.

Section 5. Requirements for Protection and Permanency Eligibility Determination. (1) A child shall be eligible to receive CCAP if the child:

(a) Resides with an applicant who:

1. Receives child protective or preventive services; or

2. Needs to receive child protective or preventive services based upon an assessment conducted by child protective services staff pursuant to 922 KAR 1:330; and

(b) Meets the requirements listed in Section 3 of this administrative regulation.

(2) A child shall be approved for child care assistance by the cabinet in accordance with subsection (1) of this section without a separate application, as an integral part of a protective or preventive services plan in accordance with 922 KAR 1:430.

(3) A child who participates in the CCAP as a result of a child protective or preventive services authorization shall not be eligible for more than six (6) months without further authorization.

(4)(a) Based on the assessment in accordance with 922 KAR 1:330, the cabinet may waive the family copayment required by Section 10 of this administrative regulation for a child who participates in CCAP as a result of child protective services authorization.

(b) If the cabinet waives the family copayment in accordance with paragraph (a) of this subsection, the cabinet shall document the reason for the waiver in the child's protective services case plan.

(5) An applicant eligible in accordance with this section shall sign and return the DCC-91.

Section 6. Kentucky Works Child Care Eligibility Determination.

(1) A child shall be eligible for CCAP if the child:

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(a) Resides with an applicant who is participating in the Kentucky Works Program described in 921 KAR 2:370; and

(b) Meets the requirements listed in Section 3 of the administrative regulation.

(2) A child shall be approved for child care assistance by the cabinet in accordance with subsection (1) of this section without a separate application as an integral part of a Kentucky Works Program self-sufficiency plan.

(3) An applicant eligible in accordance with this section shall sign and return the DCC-91.

Section 7. Income Eligibility. (1)(a) A child shall be eligible for the CCAP if the family's income is less than or equal to 140 percent of the 2011 federal poverty level at:

1. Initial application; or

2. Redetermination or eligibility recalculation in accordance with Section 8 of this administrative regulation.

(b) On or after July 1, 2015, a child shall be eligible for the CCAP if the family's income is less than or equal to:

1. 150 percent of the 2011 federal poverty level at initial application; or

2. 165 percent of the 2011 federal poverty level at redetermination or eligibility recalculation in accordance with Section 8 of this administrative regulation.
~~Prior to July 1, 2013, a child shall be eligible for the CCAP if the family's income is less than or equal to:~~

~~1. 150 percent of the federal poverty level at the initial application; or~~

~~2. 165 percent of the federal poverty level at the redetermination or eligibility recalculation in accordance with Section 8 of this administrative regulation.~~

~~(b) Effective July 1, 2013, a child shall be eligible for the CCAP if the family's income is less than or equal to:~~

~~1. 100 percent of the federal poverty level at the initial application; or~~

~~2. 100 percent of the federal poverty level at the redetermination or eligibility recalculation in accordance with Section 8 of this administrative regulation.~~

(2) A family that becomes ineligible for K-TAP shall remain eligible for CCAP for twelve (12) months from the date of the K-TAP discontinuance, if the family's income remains less than or equal to:

(a) 140 percent of the 2011 federal poverty level; or

(b) 165 percent of the 2011 federal poverty level on or after July 1, 2015~~165 percent of the federal poverty level prior to July 1, 2013; or~~

~~(b) 100 percent of the federal poverty level effective July 1, 2013.~~

(3) Except for a child who is eligible as specified in Section 5 of this administrative regulation, gross income received or anticipated to be received by the applicant and responsible adult shall be considered when the cabinet or its designee determines the family's eligibility for the CCAP.

(4) A child that is eligible for CCAP as specified in Section 5 of this administrative regulation shall be eligible without regard to the family's income.

(5) Excluded income shall be:

(a) K-TAP child only payments, including back payment;

(b) A payment received from the Kinship Care Program, pursuant to 922 KAR 1:130, including back payment;

(c) Educational grant, loan, scholarship, and work study income;

(d) The value of Kentucky Works supportive services payment pursuant to 921 KAR 2:017;

(e) The value of United States Department of Agriculture program benefits including:

1. Donated food;

2. Supplemental food assistance received pursuant to 42 U.S.C. 1771;

3. Special food service program for a child pursuant to 42 U.S.C. 1775;

4. Nutrition program for the elderly pursuant to 42 U.S.C. 3001; and

5. The monthly allotment under SNAP~~the Supplemental Nutrition Assistance Program (formerly known as the Food Stamp Program);~~

~~a. Defined by 7 U.S.C. 2012, as amended by P.L. 110-246; and~~

~~b. Governed by Title 921 KAR Chapter 3;~~

(f) Payment made directly to a third party on behalf of the applicant or recipient by a nonresponsible person;

(g) In-kind income;

(h) Reimbursement for transportation in performance of an employment duty, if identifiable;

(i) Nonemergency medical transportation payment;

(j) Highway relocation assistance;

(k) Urban renewal assistance;

(l) Federal disaster assistance and state disaster grant;

(m) Home produce utilized for household consumption;

(n) Housing subsidy received from federal, state, or local governments;

(o) Receipt distributed to a member of certain Indian tribes by the federal government pursuant to 25 U.S.C. 459, 1261 and 1401;

(p) Funds distributed per capita to or held in trust for a member of an Indian tribe by the federal government pursuant to 25 U.S.C. 459, 1261 and 1401;

(q) Payment for supporting services or reimbursement of out-of-pocket expense made to an individual volunteering as:

1. Senior health aide; or

2. Member of the:

a. Service Corps of Retired Executives; or

b. Active Corps of Executives;

(r) Payment made to an individual from a program pursuant to 42 U.S.C. 4950 to 5084 if less than the minimum wage under state or federal law, whichever is greater, including:

1. Volunteers in Service to America (VISTA);

2. Foster Grandparents;

3. Retired and Senior Volunteer Program; or

4. Senior Companion;

(s) Payment from the cabinet for:

1. Child foster care; or

2. Adult foster care;

(t) Energy assistance payment made under:

1. The Low Income Home Energy Assistance Program pursuant to 42 U.S.C. 8621; or

2. Other energy assistance payment made to an energy provider or provided in-kind;

(u) The principal of a verified loan;

(v) Up to \$12,000 to Aleuts and \$20,000 to an individual of Japanese ancestry for payment made by the United States Government to compensate for a hardship experienced during World War II;

(w) The advance payment or refund of earned income tax credit;

(x) Payment made from the Agent Orange Settlement Fund;

(y) Payment made from the Radiation Exposure Compensation Trust Fund;

(z) Up to \$2,000 per year of income received by individual Indians denied from a lease or other use of individually-owned trust or restricted lands;

(aa) Payment made to an individual because of the individual's status as a victim of Nazi persecution;

(bb) Income received from temporary employment from the United States Department of Commerce, Bureau of the Census;

(cc) A payment received from the National Tobacco Growers Settlement Trust;

(dd) A Tobacco Loss Assistance Program payment pursuant to 7 C.F.R. 1463;

(ee) A payment received from a crime victim compensation program according to the Antiterrorism and Effective Death Penalty Act of 1996 pursuant to 42 U.S.C. 10602(c);

(ff) A payment made, pursuant to 38 U.S.C. 1815 by the Veteran's Administration, to children of female Vietnam veterans;

(gg) A discount or subsidy provided to Medicare beneficiaries pursuant to Section 1860D-31(g)(6) of the Social Security Act, 42 U.S.C. 601-619;

(hh) Any cash grant received by the applicant under the Department of State or Department of Justice Reception and Placement Programs pursuant to 45 C.F.R. 400.66(d);

(ii) Reimbursement payment for a vocational rehabilitation individual participating in Preparing Adults for Competitive Employment pursuant to 29 U.S.C. 723(a)(5); or

(jj) Income or earnings from a program funded under the Work Investment Act (WIA) pursuant to 20 C.F.R. 652 and 660 to 671.

(6) Deductions from gross income shall be:

(a) Actual, legally obligated child support payment made by the applicant or responsible adult to a party not living in the family's residence; and

(b) Operating costs to determine adjusted gross income from self-employment.

(7) Best estimate.

(a) Gross income shall be computed by using a best estimate of income that may exist in the benefit month.

(b) The following method shall be used to calculate a best estimate of earned income other than earned self-employment:

1. Cents shall not be rounded at any step in the calculation;

2. Unless it does not represent the ongoing situation, income from all pay periods in the preceding two (2) calendar months shall be used;

3. A monthly amount shall be determined by:

a. Adding gross income from each pay period;

b. Dividing by the total number of pay periods considered; and

c. Converting the pay period figure to a monthly figure by multiplying a:

(i) Weekly amount by 4.334;

(ii) Biweekly amount by 2.167; or

(iii) Semimonthly amount by two (2); and

4. If income has recently begun and the applicant or recipient has not received two (2) calendar months of earned income, the anticipated monthly income shall be computed by:

a. Multiplying the:

(i) Hourly rate by the estimated number of hours to be worked in a pay period; or

(ii) Daily rate by the estimated number of days to be worked in the pay period; and

b. Converting the resulting pay period figure to a monthly amount pursuant to subparagraph 3.c. of this paragraph.

(c) For a case with unearned income, other than unearned self-employment income, a monthly amount shall be determined by:

1. Not rounding cents at any step in the calculation;

2. Using the gross monthly amount of continuing, stable unearned income received on a monthly basis; and

3. Averaging the amount of nonstable unearned income received in the three (3) prior calendar months, unless it does not represent the ongoing situation.

(d) For a case with self-employment income, a monthly amount shall be determined as follows:

1. Cents shall not be rounded at any step in the calculation;

2. If the self-employment enterprise has been in operation for at least a year, the income shall be prorated by dividing the income from the last calendar year by twelve (12);

3. If the self-employment enterprise has been in operation for less than a year, the income shall be prorated by dividing by the number of months the business has been in existence; and

4. Profit shall be determined by:

a. Dividing the allowable expenses permitted by the Internal Revenue Service except for depreciation by:

(i) Twelve (12) if the enterprise has been in operation for at least a year; or

(ii) The number of months the business has been operating if the business has been in existence for less than a year; and

b. Subtracting the monthly expense from the monthly income.

Section 8. Continuing Eligibility. (1) Continued eligibility under the CCAP shall be redetermined at least every:

(a) Twelve (12) months; or

(b) Six (6) months for a child eligible pursuant to requirements in Section 5 of this administrative regulation.

(2) Eligibility shall be reviewed and recalculated if necessary

due to a known or reported change in circumstance.

(3) A nonrelative who is acting in loco parentis for a child shall be required to show proof of efforts to seek permanent custody of the child or adopt the child within one (1) year of initial application as a condition of continued eligibility for CCAP.

Section 9. Payment Rates and Policy. (1) To the extent funds are available, the cabinet shall make payments as listed in the DCC-300, Kentucky Child Care Maximum Payment Rates Chart.

(a) The rates in the DCC-300 shall represent the maximum payment rates on a per day, per child, per child care provider basis.

(b) The maximum payment rates shall include the following categories:

1. Full day;

2. Part day;

3. ~~Urban;~~

4. ~~Nonurban;~~

5. ~~Licensed;~~

4. ~~6.] Certified;~~

5. ~~7.] Registered;~~

6. ~~8.] Infant/Toddler;~~

7. ~~9.] Preschool child; and~~

8. ~~10.] School-age child.~~

(2) To the extent funds are available, a licensed or certified provider shall receive:

(a) Two (2) dollars per day beyond the maximum rate if the provider is accredited by the:

1. National Association for the Education for Young Children;

2. National Early Childhood Program Accreditation;

3. National Association for Family Child Care;

4. Council on Accreditation; or

5. Other accrediting body approved by the Early Childhood Advisory Council or the cabinet; or

(b) One (1) dollar per day beyond the maximum rate for nontraditional care for providing child care assistance based on the parent's schedule between:

1. 7 p.m. to 5 a.m. daily; or

2. Friday, 7 p.m. through Monday, 5 a.m.

(3) To the extent funds are available, a licensed, certified, or registered provider shall receive a special care rate of one (1) additional dollar per day beyond the maximum rate for care of a child:

(a) With a special need; or

(b) Who is age thirteen (13), but under age nineteen (19), and is:

1. Physically or mentally incapable of caring for himself as determined by a health professional; or

2. Under court supervision.

(4) The cabinet or its designee shall determine the maximum daily reimbursement rate not to exceed the amount charged to the general public.

(5) A child care provider registered according to 922 KAR 2:180 shall not be paid for more than:

(a) Three (3) children receiving CCAP per day; or

(b) Six (6) children receiving CCAP per day, if those children are:

1. A part of a sibling group; and

2. Related to the provider.

(6) A family meeting the requirements of Section 4 or 6 of this administrative regulation shall be eligible for payment to cover child care needs due to full-time or part-time enrollment in an educational program.

(7) To the extent funds are available, required enrollment fees shall be paid no more than three (3) times in a twelve (12) month period for a family meeting the requirements in Section 5 or 6 of this administrative regulation.

Section 10. Family Copayment. (1) Unless a family copayment has been waived in accordance with Section 5(4) of this administrative regulation, a family of a child served by the CCAP shall be responsible for a copayment in accordance with the family copayment table in subsection (3) of this section.

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(2) If a court orders a parent of a CCAP-eligible child to pay a portion of the child's child care expenses, the court-ordered payment shall be in lieu of the family copayment required by subsection (3) of this section.

(3)(a) The cabinet or its designee shall determine a copayment that a family shall pay to the provider for the cost of child care, based on the following table:

Family Co-Payment Per Day									
Income Range Monthly		Family Size 2 Family Co-Pay With 1 Child	Family Size 3 Family Co-Pay		Family Size 4 Family Co-Pay		Family Size 5 or More Family Co-Pay		
			With 1 Child	With 2 or more	With 1 Child	With 2 or more	With 1 Child	With 2 or more	
0	899	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
900	999	\$2	\$2	\$3	\$2	\$2	\$2	\$2	\$2
1,000	1,099	\$3	\$3	\$3	\$2	\$3	\$2	\$3	\$3
1,100	1,199	\$4	\$4	\$4	\$3	\$3	\$2	\$3	\$3
1,200	1,299	\$4	\$4	\$5	\$4	\$4	\$3	\$3	\$3
1,300	1,399	\$5	\$5	\$5	\$5	\$5	\$3	\$4	\$4
1,400	1,499	\$6	\$5	\$6	\$5	\$6	\$4	\$4	\$4
1,500	1,599	\$7	\$6	\$6	\$6	\$6	\$5	\$5	\$5
1,600	1,699	\$8	\$6	\$7	\$6	\$7	\$6	\$6	\$6
1,700	1,799	\$9	\$7	\$8	\$7	\$8	\$6	\$7	\$7
1,800	1,899	\$10	\$8	\$9	\$7	\$8	\$7	\$8	\$8
1,900	1,999	\$10	\$9	\$10	\$8	\$9	\$8	\$9	\$9
2,000	2,099	\$11	\$10	\$11	\$8	\$9	\$8	\$9	\$9
2,100	2,199.99	\$12	\$10	\$11	\$9	\$10	\$9	\$10	\$10
2,200	2,299.99	\$12	\$11	\$12	\$10	\$11	\$9	\$10	\$10
2,300	2,399.99	\$12	\$12	\$13	\$11	\$12	\$9	\$10	\$10
2,400	2,499.99	\$12	\$12	\$13	\$12	\$13	\$10	\$11	\$11
2,500	2,599.99	\$12	\$13	\$14	\$12	\$13	\$10	\$11	\$11
2,600	2,699.99	\$12	\$13	\$14	\$13	\$14	\$12	\$13	\$13
2,700	2,799.99	\$12	\$13	\$14	\$13	\$14	\$13	\$14	\$14
2,800	2,899.99	\$12	\$13	\$14	\$14	\$15	\$14	\$15	\$15
2,900	2,999.99	\$12	\$13	\$14	\$14	\$15	\$16	\$17	\$17
3,000	3,099.99	\$12	\$13	\$14	\$15	\$16	\$18	\$19	\$19
3,100	3,199.99	\$12	\$13	\$14	\$15	\$16	\$20	\$21	\$21
3,200	3,299.99	\$12	\$13	\$14	\$15	\$16	\$20	\$21	\$21
3,300	3,399.99	\$12	\$13	\$14	\$15	\$16	\$22	\$23	\$23
3,400	3,499.99	\$12	\$13	\$14	\$15	\$16	\$22	\$23	\$23
3,500	3,599.99	\$12	\$13	\$14	\$15	\$16	\$24	\$25	\$25
3,600	3,699.99	\$12	\$13	\$14	\$15	\$16	\$25	\$25	\$25

(b) The maximum copayment for an eligible family with more than five (5) members shall be twenty-five (25) dollars.

(4)(a) If a provider notifies the cabinet or its designee that a family has failed to comply with a required copayment for two (2) weeks, the cabinet or its designee shall request that the provider develop a payment plan with the family.

(b) If a provider notifies the cabinet or its designee that a family fails to enter into a payment plan within ten (10) days from a provider's notification that a payment plan is necessary, or a family fails to make two (2) payments in accordance with the payment plan, the cabinet shall:

1. Not pay a subsequent provider until the family demonstrates compliance with the payment plan; and
2. Terminate CCAP for the family.

(c) The cabinet or its designee may grant an exception to paragraph (b) of this subsection due to:

1. A disaster verified by utility provider, local, state, or federal government;
 2. The closure of a provider;
 3. Family circumstances, such as relocation, illness, or death;
- or
4. A risk to the health, welfare, or safety of the child or parent.

Section 11. Family Rights and Responsibilities. (1) The family of a child served by the CCAP shall have rights pursuant to KRS 199.898(1) and (2).

(2) Unless an alternative program such as Head Start, state preschool, or state kindergarten is available and accessible during the time child care is needed, an applicant for a child who receives or has been approved to receive CCAP benefits shall:

(a) Be offered choice of child care assistance subject to the availability of state and federal funds; and

(b) Receive a child care certificate, the DCC-94.

(3) An applicant approved in accordance with Section 4 of this administrative regulation shall sign and return the DCC-91 and the DCC-94.

(4) An applicant approved in accordance with Section 5 or 6 of this administrative regulation shall sign and return the DCC-91.

(5) Notification of action.

(a) A DCC-105 shall serve many purposes in the administration of CCAP, including notice to an applicant or recipient of:

1. Changes in:
 - a. Copayment;
 - b. Certification period; or
 - c. Household size;
2. Approval of:
 - a. Application; or
 - b. Continued eligibility; or
 3. Adverse action, including:
 - a. Denial of application;
 - b. Reduction of CCAP benefits; or
 - c. Termination of CCAP benefits.

(b) The DCC-105 providing notice of an adverse action shall include:];

1. Reason for the adverse action;
2. Citation from an applicable state administrative regulation; and

3. Information regarding the:

- a. Informal dispute resolution process in accordance with Section 17 of this administrative regulation; and
- b. Opportunity to request an administrative hearing in accordance with Section 18 of this administrative regulation.

(c) The language on the DCC-105 shall differ according to the purpose of the notice described in paragraphs (a) and (b) of this subsection.

(6) An applicant may change the applicant's provider a maximum of three (3) times in a twelve (12) month period, unless an exception is authorized by the cabinet or its designee due to:

- (a) A disaster verified by utility provider, local, state, or federal government;
- (b) Closure of a provider;
- (c) Family circumstances, such as relocation, illness, or death;
- (d) A risk to the health, welfare, or safety of the child or the applicant; or

(e) Failure of the provider to comply with Section 13(1) of this administrative regulation.

(7) A family that changes the child care provider more than three (3) times as described in subsection (6) of this section shall be discontinued from the CCAP and unable to participate until the end of the eligibility period in effect at the time of discontinuance.

(8) An applicant for a child served by CCAP shall advise the cabinet or its designee of a change in a circumstance within ten (10) calendar days of the day the change is known.

(9) Failure to report a change in a circumstance may result in a:

(a) Decrease or discontinuance of CCAP benefits based on the type of change; or

(b) Claim in accordance with 922 KAR 2:020.

(10) An applicant for a child served by CCAP who fails to cooperate with a cabinet quality control or case review shall be:

- (a) Discontinued from CCAP benefits; and
- (b) Unable to participate in CCAP until the applicant meets the requirements of the quality control or case review.

(11) An applicant for a child served by CCAP shall report to the cabinet or its designee a provider whom the applicant suspects is not fulfilling requirements in accordance with Section 13(1)(c) of this administrative regulation.

Section 12. Cabinet Requirements. (1) The DCC-94 shall:

(a) Be used for child care assistance provided by a licensed, certified, or registered provider; and

(b) Not be considered a contract, employment, or grant to the child care provider, but shall be considered assistance to the applicant pursuant to 45 C.F.R. 98.30(c)(6).

(2) The cabinet or its designee shall provide consumer information regarding conditions for termination of the DCC-94 pursuant to KRS 199.8994(6)(b).

(3) The cabinet or its designee shall assure that a provider of child care assistance funded under the CCDF and other local, state, or federal funds shall comply with the applicable regulatory requirements pursuant to:

(a) 922 KAR 2:020, Child Care Assistance Program (CCAP) improper payments, claims, and penalties;

(b) 922 KAR 2:090, Child care center licensure;

(c)[(b)] 922 KAR 2:100, Certification of family child care homes;

(d)[(e)] 922 KAR 2:110, Child care facility provider requirements;

(e)[(d)] 922 KAR 2:120, Child care facility health and safety standards;

(f) 922 KAR 2:170, STARS for KIDS NOW Program for Type I licensed child-care centers, effective August 15, 2015, unless an exception is granted in accordance with Section 12(8) of this administrative regulation;

(g)[(e)] 922 KAR 2:180, Requirements for registered child care providers in the Child Care Assistance Program;

(h)[(f) 922 KAR 2:020, Child Care Assistance Program (CCAP) improper payments, claims, and penalties; and

(g)] 922 KAR 2:190, Civil penalties; and

(i) 922 KAR 2:210, STARS for KIDS NOW Program for Type II licensed child-care centers and certified family child-care homes, effective August 15, 2015, unless an exception is granted in accordance with Section 12(8) of this administrative regulation.

(4) If CCAP benefits are reduced or terminated due to the shortage of funding, the cabinet shall provide a minimum thirty (30) calendar day notice to each family receiving child care assistance.

(5) If the daily maximum payment rate is reduced due to the shortage of funding, the cabinet shall provide a minimum thirty (30) calendar day notice to licensed, certified, or registered providers.

(6) The cabinet shall send a[DCC-105 providing] notice of adverse action[in accordance with Section 11(5) of this administrative regulation,] ten (10) calendar days in advance of taking[this] adverse action.

(7) The cabinet shall prioritize child care assistance benefits as determined by the available funds as follows:

- (a) Child protective or preventive services authorization;
- (b) A child with a special need;
- (c) K-TAP recipients participating in the Kentucky Works Program established in 921 KAR 2:370;

(d) Teen parents attending high school or pursuing a general equivalency degree (GED);

(e) A K-TAP recipient attempting to transition off assistance through employment;

(f) A parent whose K-TAP case has been discontinued during the previous twelve (12) months and who needs child care assistance in order to accept or retain employment;

(g) A low income working parent; or

(h) A parent in education or training programs leading to self-sufficiency.

(8)(a) The cabinet shall grant an exception for a CCAP-eligible child's placement with a child care provider participating in the quality rating program governed by 922 KAR 2:170 and 922 KAR 2:210 if:

1. A violation of or conflict with 45 C.F.R. 98.30 would result, such as:

a. A geographic area in which an adequate supply of child care is lacking;

b. A parent's scheduling, transportation, or other circumstance that prevents the use of a child care provider participating within the quality rating program;

c. A child is approved for CCAP in accordance with Section 5 or 6 of this administrative regulation;

d. A child has[with] special needs; or

e. The provision of child care is available through a provider;

(i) Registered in accordance with 922 KAR 2:180;

(ii) Operated by the armed services located on an armed forces base; or

(iii) Regulated by another state;

2. A situation or circumstance, such as an emergency or disaster, necessitates the provision of emergency child care; or

3. Noncompliance or federal penalty under 421 U.S.C. 601-619 or 42 U.S.C. 9858-9858g would result.

(b) The DCC-400, Request for Exception from Placement with a STAR-Rated Child Care Provider:

1. Shall be used to request an exception in accordance with paragraph (a)1 of this subsection; and

2. May be used to request an exception in accordance with paragraphs (a)2 and (a)3 of this subsection.

(c) The cabinet shall respond to a completed and signed DCC-400 in accordance with Section 11(3) of this administrative regulation within ten (10) calendar days of its submission unless:

1. The cabinet experiences a circumstance that prolongs the review of the request; and

2. Notice of the extension is provided to the requesting parent.

Section 13. Provider Requirements. (1) A licensed child-care center, certified family child-care home, or registered child care provider that serves a child who participates in the CCAP shall:

- (a) Sign and submit the DCC-94 to the cabinet or its designee

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prior to receiving payment from the CCAP;

(b) Report all absences on the DCC-97, Provider Billing Form, submitted to the cabinet or its designee;

(c)1. Maintain the DCC-94E, Child Care Daily Attendance Record, in which the attendance is [daily arrival and departure times of each child have been]:

a. Recorded legibly each time the child arrives and each time the child departs the provider's care [on a daily basis]; and

b. Signed by the parent or applicant for the child served by CCAP; and

2. Submit the DCC-94E upon request of the cabinet or its designee; and]

(d) Comply with the applicable regulatory requirements pursuant to:

1. 922 KAR 2:020, Child Care Assistance Program (CCAP) improper payments, claims, and penalties;

2. 922 KAR 2:090, Child care center licensure;

3. [2.] 922 KAR 2:100, Certification of family child care homes;

4. [3.] 922 KAR 2:110, Child care facility provider requirements;

5. [4.] 922 KAR 2:120, Child care facility health and safety standards;

6. 922 KAR 2:170, STARS for KIDS NOW Program for type I licensed child-care centers, effective August 15, 2015, unless an exception is granted in accordance with Section 12(8) of this administrative regulation;

7. [5.] 922 KAR 2:180, Requirements for registered child care providers in the Child Care Assistance Program;

8. [6.] 922 KAR 2:020, Child Care Assistance Program (CCAP) improper payments, claims, and penalties; and

7. 922 KAR 2:190, Civil penalties; and

9. 922 KAR 2:210, STARS for KIDS NOW Program for type II licensed child-care centers and certified family child-care homes, effective August 15, 2015, unless an exception is granted in accordance with Section 12(8) of this administrative regulation; and

(e) Complete the cabinet approved training on billing and the DCC-94E:

1. Prior to receiving an initial payment from CCAP if the provider will begin participation in CCAP after **October 15, 2014 [the effective date of this administrative regulation];** or

2. By August 4, 2015, if the provider began participation in CCAP prior to **October 15, 2014 [the effective date of this administrative regulation].**

(2) A licensed or certified child care provider shall complete and submit the DCC-94B, Licensed or Certified Provider Agreement [information] Form, prior to receiving payment from the CCAP.

(3) A licensed child care provider shall maintain written documents with attendance records stating the reason for any absence of a child receiving CCAP in excess of five (5) absences per month per child.

(4)(a) If CCAP records indicate that a certified family child-care home or a licensed child-care center is operating over capacity, as specified in 922 KAR 2:100 or 922 KAR 2:120 respectively, by having two (2) or more shifts, the cabinet shall request an operating plan from the provider.

(b) An operating plan in accordance with paragraph (a) of this subsection shall specify:

1. Each employee of each shift;

2. The work hours for each employee of each shift;

3. The management for each shift;

4. The work hours for each management employee of each shift; and

5. The children enrolled for each shift.

(c) The cabinet shall approve an operating plan that demonstrates the health, safety, and welfare of a child in care in accordance with this administrative regulation and an administrative regulation listed in subsection (1)(d) of this section.

Section 14. Other Services. To the extent state funds are available, a child whose family's income is over the income limits for the CCAP described in Section 7 may be eligible for:

(1) Child care payments;

(2) Enrollment fees;

(3) Activity or day trip fees;

(4) Material fees;

(5) Transportation fees; or

(6) Other items relating to child care services with prior approval of the cabinet.

Section 15. An improper payment, claim, or penalty in CCAP shall be in accordance with 922 KAR 2:020.

Section 16. Criteria for Nonpayment. (1) Payment under the CCAP shall:

(a) Not be made to a licensed provider for more than five (5) absences per child during a month if the provider fails to verify in writing, and maintain attendance records verifying, that the additional absences were related to:

1. A death in the family;

2. An illness of the:

a. Child; or

b. Applicant; or

3. A Disaster verified by utility provider, local, state, or federal government;

(b) Not be made to a certified provider for more than five (5) absences per child during a month;

(c) Not be made to a registered provider for any absences;

(d) Be denied in accordance with KRS 199.8994(6);

(e) Cease if a family or provider defaults on a payment in accordance with Section 10(4) of this administrative regulation or 922 KAR 2:020;

(f) Not be made if a family no longer meets the technical or financial eligibility requirements under the CCAP;

(g) Not be made to a provider for payment requests ninety (90) days after the date of service;

(h) Not be made to a licensed or certified provider for more than ten (10) holidays per calendar year;

(i) Cease if a provider denies:

1. A parent of a child in care, the cabinet, the cabinet's designee, or a representative of an agency with regulatory authority:

a. Entry into the provider's premises during operating hours; or

b. Access to a child in care; or

2. The cabinet, the cabinet's designee, or a representative of an agency with regulatory authority access to the provider's records relevant to a:

a. Cabinet review, including CCAP quality control or case review; or

b. Review by another agency with regulatory authority;

(j) Not be made to a provider if the provider's DCC-94E in accordance with Section 13(1)(c) of this administrative regulation does not support billing for a child reported as served for the same period of time on the DCC-97; or]

(k) Not be made if a licensed or certified provider cares for a child served by CCAP at a location not specified on the DCC-94; or

(l) Not be made to a provider for a child in care over the capacity of the provider, as governed by 922 KAR 2:100 or 922 KAR 2:120, unless an operating plan is approved in accordance with Section 13(4) of this administrative regulation.

(2) Subject to the availability of state or federal funds, the cabinet may suspend approval of initial application for benefits under the CCAP following the priorities established in Section 12(7) [(8)] of this administrative regulation.

Section 17. Informal Dispute Resolution and Appeals. (1) An applicant for CCAP or a parent of a child receiving CCAP:

(a) May seek an informal dispute resolution if the applicant or parent is dissatisfied with an action by the cabinet or its designee concerning a denial, reduction, or termination of CCAP benefits;

(b) Shall request an informal dispute resolution with the cabinet or its designee within ten (10) days of the:

1. Notice of denial for CCAP in accordance with Section 2(5) of this administrative regulation; or

2. Date of the adverse action for which notice is provided in accordance with Section 12(6) of this administrative regulation; and

(c) Who is dissatisfied with the decision of the informal dispute

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resolution, may submit an administrative hearing request:

1. In accordance with Section 18 of this administrative regulation; and

2. Within thirty (30) calendar days of the date of the decision made by the cabinet or its designee in accordance with subsection (3) of this section.

(2)(a) If the child's parent provides notice within ten (10) calendar days from the date of adverse action in accordance with 45 C.F.R. 205.10(a)(6), a child receiving CCAP may continue to receive CCAP during the informal dispute resolution or administrative hearing process pending the outcome of the informal dispute resolution or the administrative hearing.

(b) If an informal dispute resolution or administrative hearing process upholds the denial, reduction, or termination of CCAP, the child's parent who continued to receive CCAP benefits during the informal dispute resolution or administrative hearing process shall repay the CCAP back to the effective date of the denial, reduction, or termination.

(3) Upon receipt of a request for the informal dispute resolution, the cabinet or its designee shall:

(a) Review the request; and

(b) Render a written decision on the issue raised within ten (10) days, unless:

1. The commissioner or designee grants an extension to the timeframe specified in this paragraph due to extenuating circumstances that prolong the review of the request; and

2. Notice of the extension is provided to the applicant or parent who made the request for informal dispute resolution.

(4) An applicant for CCAP or a parent of a child receiving CCAP may request an administrative hearing in accordance with Section 18 of this administrative regulation at any time during the informal dispute resolution process established in this section.

Section 18. Administrative Hearings. An administrative hearing may be requested in accordance with:

(1) 922 KAR 1:320; or

(2) 922 KAR 2:020.

Section 19. Records. Records of CCAP shall be maintained and disclosed in accordance with:

(1) KRS 194A.060;

(2) 45 C.F.R. 98.90(e); and

(3) 45 C.F.R. 205.50(a)(1)(i).

Section 20. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "DCC-90, Application for Subsidized Child Care Assistance", [edition] 11/09;

(b) "DCC-90.1, Intent to Apply for Child Care Assistance", [edition] 11/09; [f.]

(c) "DCC-91, Client Rights and Responsibilities Sheet", [edition] 04/13;

(d) "DCC-94, Child Care Service Agreement and Certificate", [edition] 11/09;

(e) "DCC-94B, Licensed or Certified Provider Agreement [Information] Form", 10/14 [edition 7/13];

(f) "DCC-94E, Child Care Daily Attendance Record [Records]", [edition] 7/13;

(g) "DCC-97, Provider Billing Form", [edition] 04/13;

(h) "DCC-105, Child Care Assistance Program Notice of Action", [edition] 11/09; [and]

(i) "DCC-300, Kentucky Child Care Maximum Payment Rates Chart", 10/14; and

(j) "DCC-400, Request for Exception from Placement with a STAR-Rated Child Care Provider", 10/14 [edition 11/09].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

APPROVED BY AGENCY: October 13, 2014

FILED WITH LRC: October 15, 2014 at 11 a.m.

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TERESA C. JAMES, LCSW, Commissioner
AUDREY TAYSE HAYNES, Secretary

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING
OR RECEIPT OF WRITTEN COMMENTS

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education
(Amended After Comments)

702 KAR 3:320. Finance officer certification requirements.

RELATES TO: KRS 160.431, 161.020(1)(b)

STATUTORY AUTHORITY: KRS 156.070, 160.431

NECESSITY, FUNCTION AND CONFORMITY: KRS 156.070

authorizes the Kentucky Board of Education to promulgate administrative regulations necessary for the efficient management, control, and operation of the schools and programs under its jurisdiction. KRS 160.431(2) requires school finance officers to meet certification and continuing education requirements and authorizes the Kentucky Board of Education to promulgate administrative regulations identifying and prescribing the criteria and procedures for school finance officer certification and continuing education. This administrative regulation establishes the standards for school finance officer certification and continuing education.

Section 1. Definitions. (1) **"Break in service" means an end to the employment relationship of the individual as the designated finance officer for a Kentucky school district without a transfer of employment to another Kentucky school district to serve as the designated finance officer.**

(2) "Finance officer" means a person appointed pursuant to KRS 160.431(1).

(3)(2) "Finance officer intern" means any finance officer who has obtained a provisional certificate under Section 3 of this administrative regulation but who has not acquired a full certificate under Section 4 of this administrative regulation.

(4)(3) "Mentor" means an individual approved by the department to oversee a finance officer intern through the Kentucky Finance Officer Internship Program.

Section 2. Initial Qualifications. An individual shall be eligible to be employed as a finance officer on or after July 1, 2015, if the individual:

(1) Is employed on June 30, 2015 as a finance officer in a Kentucky school district and does not have **a six (6) month or longer[an] employment break in service as a finance officer in any Kentucky school district after June 30, 2015. A six (6) month or longer** break in service as a finance officer in any Kentucky school district **after June 30, 2015** shall terminate the individual's qualification for employment as a finance officer under this subsection; or

(2) Obtains a provisional or full certificate under Section 3 or 4 of this administrative regulation.

Section 3. Provisional Certification. (1) An individual who is seeking to be employed as a finance officer in a Kentucky school district who does not meet the requirements of Section 2(1) of this administrative regulation and who does not possess a full certificate shall secure a provisional certificate by submitting the Provisional Certification Application Form, KDE-FOCP-1, to the department to verify the individual meets the following eligibility requirements:

(a) A minimum of a bachelor's degree from any accredited postsecondary institution; and

(b)1. A minimum of twelve (12) credit hours in accounting coursework from any accredited postsecondary institution;

2. A minimum of four (4) years' work experience primarily in accounting or finance, confirmed by the district of employment; or

3. A minimum of two (2) years' work experience in finance in a local school district, confirmed by the district of employment.

(2) The department shall issue a provisional certificate to an individual providing proof of the eligibility requirements of subsection (1) of this section and proof of an offer of employment

as a finance officer in a Kentucky school district.

(3) A finance officer provisional certificate shall be in effect until:

(a) The individual obtains full certification;

(b) The individual fails to provide to the department the proof of progress toward full certification required by subsection (4) of this section; or

(c) Five (5) years have passed since the provisional certificate's issuance date.

(4) The provisional certificate holder shall annually submit proof of progress toward full certification to the department by the anniversary of the issuance date of the provisional certificate. Failure to provide this annual proof of progress or to obtain full certification within five (5) years of the issuance of a provisional certificate shall result in the loss of the provisional certificate.

Section 4. Full Certification. (1) An individual who is eligible for employment as a finance officer under Section 2(2) of this administrative regulation shall apply for full certification prior to the expiration of the provisional certificate by submitting the Full Certification Application Form, KDE-FOCP-2, to the department to verify:

(a) Current provisional certification;

(b) Completion of the Kentucky Finance Officer Internship Program (KFIP) under Section 5 of this administrative regulation;

(c) Fifteen (15) hours of finance officer training from the Finance Officer Curriculum, KDE-FOCP-6, provided by a department-approved training provider; and

(d) Twelve (12) hours of training in the state-approved school district financial software package provided by a department-approved training provider.

(2) A full certificate shall be renewed automatically unless the finance officer fails to meet the biennial continuing education requirements of Section 6 of this administrative regulation.

Section 5. Kentucky Finance Officer Internship Program (KFIP). (1) Within thirty (30) days of employment as a finance officer, the provisionally certified finance officer shall apply for participation in the KFIP.

(2) The KFIP Assessment Committee shall consist of:

(a) The mentor assigned by the department;

(b) The employing district's superintendent or designee; and

(c) A department representative.

(3) Mentors shall meet the following qualification requirements:

(a) Possess full certification under this administrative regulation or meet the requirements of Section 2(1) of this administrative regulation;

(b) Complete the department's mentor training; and

(c) Complete the Mentor Application Form, KDE-FOCP-5.

(4) Mentors shall:

(a) Work with finance officer interns to develop a chronological task plan based on the Finance Officer Curriculum, KDE-FPCO-6;

(b) Continue the mentorship for a period of twelve (12) consecutive months;

(c) Document the time spent mentoring and a summary of the content on form KDE-FOCP-3;

(d) Document attendance by the finance officer intern at any mentoring meetings during the internship; and

(e) Serve as a mentor for no more than two (2) individuals concurrently.

(5) Mentors shall be eligible to earn, as a mentor, a maximum of twenty-one (21) hours of continuing education, not to exceed one (1) hour per month, during the mentorship, toward the requirement of KRS 160.431(3) for the mentor training and mentor contact.

(6) Mentors shall be eligible to receive from available funds an annual stipend, not to exceed \$1,000 each fiscal year per individual mentored, from the department for the mentorship. A district may also choose to reimburse the mentor for any expenses, including travel **and provide a separate, additional stipend to**

the mentor. If the KFIP Assessment Committee requires a finance officer intern to repeat a portion or the entire internship curriculum under subsection (9) of this section, then a mentor shall not be eligible to receive the stipend from the department for additional fiscal years of mentorship required by the KFIP Assessment Committee. The district may still reimburse and provide a stipend to a mentor of a finance officer intern in any additional fiscal years of internship required by the KFIP Assessment Committee.

(7) The KFIP Assessment Committee shall:

(a) Assist in the development of the intern's chronological task plan required in subsection (4)(a) of this section;

(b) Meet six (6) months after the initiation of the internship to assess progress;

(c) Assess whether the finance officer intern completed the internship; and

(d) Complete the Assessment Committee Report Form, KDE-FOCP-4.

(8) As part of its assessment, the KFIP Assessment Committee shall consider:

(a) Documentation provided by the mentor;

(b) The recommendation of the finance officer intern's superintendent based on actual work performance; and

(c) The report by the department of work product submissions and interactions.

(9) At the end of the internship, the KFIP Assessment Committee shall do one (1) of the following:

(a) Declare the internship completed;

(b) Require the finance officer intern to repeat a portion of the internship curriculum; or

(c) Require the finance officer intern to repeat the entire internship curriculum.

(10) The finance officer intern may request a different mentor if the KFIP Assessment Committee requires the internship to be repeated.

(11) The mentor may request to be replaced by another mentor if the KFIP Assessment Committee requires the internship to be repeated.

Section 6. Continuing Education. (1) Fully certified finance officers and those qualified under Section 2(1) of this administrative regulation shall meet the continuing education requirements of KRS 160.431(3). **A break in service for any length of time for any finance officer shall not reduce the continuing education requirements of KRS 160.431(3).**

(2) Each finance officer shall complete at least twelve (12) hours of continuing education by June 30 of each fiscal year.

Section 7. Revocation and Appeal for Reinstatement of Full Certification. (1)(a) Failure to meet the annual requirement of twelve (12) hours of continuing education of Section 6(2) of this administrative regulation shall result in a temporary suspension of a finance officer's full certification.

(b) The department shall notify the district superintendent of the temporary suspension.

(c) The certificate holder shall complete the required number of hours of continuing education by the end of the biennial period.

(d) Three (3) temporary suspensions shall result in revocation of the full certification.

(2) Failure to meet the biennial requirement of forty-two (42) hours of continuing education shall result in revocation of the full certification.

(3) The certificate holder may appeal to the department for reinstatement of a provisional or full certification which has been revoked under subsections (1) or (2) of this section if:

(a) The certificate holder requests reinstatement and provides supporting documentation to the department; and

(b) The certificate holder has fulfilled all requirements of the provisional or full certification including the required continuing education for the latest fiscal year.

(4) The department shall review and make a determination regarding reinstatement within thirty (30) days of receipt of the appeal.

Section 8. Grandfather Status. (1) An individual who is eligible for grandfather status pursuant to Section 2(1) of this administrative regulation shall submit the Provisional Certification Application Form, KDE-FOCP-1, to the department.

(2) An individual with grandfather status may obtain full certification if either:

(a) The department approves the individual as a mentor in the KFIP in accordance with the requirements of this administrative regulation; or

(b) The individual meets all provisional and full certification requirements, including successful completion of the KFIP.

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

(a) "Provisional Certification Application", FOCP-1, July 2015;

(b) "Full Certification Application", FOCP-2, July 2015;

(c) "Intern Progress Report", FOCP-3, July 2015;

(d) "Assessment Committee Report", FOCP-4, July 2015;

(e) "Mentor Application", FOCP-5, July 2015; and

(f) "Finance Officer Curriculum", FOCP-6, July 2015.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, 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(5).

TERRY HOLLIDAY, Ph.D., Commissioner of Education

ROGER L. MARCUM, Chairperson

APPROVED BY AGENCY: February 13, 2015

FILED WITH LRC: February 13, 2015 at 11 a.m.

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321.

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 standards for certification of school finance officers and sets the requirements for continuing education to maintain the certification.

(b) The necessity of this administrative regulation: KRS 160.431(2) provides that school finance officers shall obtain certification and continuing education and that the agency shall identify the criteria for certification and continuing education. KRS 161.020(1)(b) prohibits a school district from employing an individual to serve as finance officer after July 1, 2015 if the individual has not met the certification requirements of this administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation establishes the requirements mandated by KRS 160.431 and 161.020(1)(b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the certification standards and the eligibility requirements for school finance officers at the local school district.

(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: Inapplicable

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

(c) How the amendment conforms to the content of the

authorizing statute: Inapplicable

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All Kentucky public school districts

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: This administrative regulation establish certification and continuing education requirements for any school finance officers hired on or after July 1, 2015.

(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 school district shall have to comply with the requirements in this administrative regulation for certification and pay for the mentorship of a school finance officer intern in that district, if applicable.

(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 mandated costs with this administrative regulation. Districts are encouraged to facilitate mentorships at minimal cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): More consistency in the quality and training of school finance officers across the state.

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

(a) Initially: Minimal

(b) On a continuing basis: Minimal

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: 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: No increase will be necessary.

(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? No, tiering does not apply because the requirements of this administrative regulation apply to all Kentucky school districts.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) 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? All Kentucky public school districts

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.070, 160.431, 161.020(1)(b).

(3) 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? 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? No cost

(d) How much will it cost to administer this program for subsequent years? No cost

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

PROPOSED AMENDMENTS

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

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

RELATES TO: KRS 42.470, 61.870-61.884, 131.020, 131.030, 131.041-131.081, 131.110, 131.130, 131.155, 131.181, 131.183, 131.190, 131.340, 131.500, 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, 134.121, 134.122, 134.127, 134.128, 134.129, 134.420, 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 ~~2015~~[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, ~~2014~~[2013]", 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 non-operating 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) 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~~[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.

(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, "~~2015~~[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.

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(24) Revenue Form 61A206(P), "Public Service Company Property Tax Forms and Instructions for Commercial Air Passenger and Air Freight Carriers 2015[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 ~~inform~~~~be used by~~ all commercial, passenger or cargo airlines conducting business in Kentucky ~~of the requirement~~ to provide the Department of Revenue with 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 2015[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, "2015[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, 2015[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, 2015[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, 2015[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", 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 61A211(IP), "Instructions For Editing the Public Service Company Motor Vehicle Printout", shall provide instructions for editing the computer printout of previously reported licensed vehicles sent by the Department of Revenue to public service companies that have listed vehicles with the department in prior years.

(55) 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.

(56) 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.

(57) 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.

(58) 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.

(59) 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".

(60) Revenue Form 61A500(P), "2015[2014] Personal Property Tax Forms and Instructions for Communications Service Providers and Multichannel 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.

(61) Revenue Form 61A500, "2015[2014] Tangible Personal Property Tax Return for Communications Service Providers and Multichannel Video Programming Service Providers", shall be filed by telecommunication, satellite, and cable television companies, reporting all tangible personal property with the Department of Revenue.

(62) 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.

(63) 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.

(64) 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.

(65) 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.

(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 Office[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 Office[Department] of Property Valuation Storage Cost Schedule", shall be filed by distilleries 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 61A508-S6, "Schedule 6 Industrial Revenue Bond Property", shall be filed with the Department of Revenue, reporting property purchased with an industrial revenue

bond.

(73) 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.

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

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

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

(77) 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.

(78) 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.

(79) 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.

(80) 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.

(81) 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.

(82) 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.

(83) 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.

(84) Revenue Form 62A015, "2015[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.

(85) 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.

(86) 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 find the county clerk's compensation for making tax bills.

(87) 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.

(88) 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 property valuation administrator of the county in which the property is located.

(89) 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.

(90) 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

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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.

(91) Revenue Form 62A200(P), "2015[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.

(92) Revenue Form 62A200, "2015[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.

(93) 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.

(94) 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.

(95) 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.

(96) 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.

(97) 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.

(98) 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.

(99) Revenue Form 62A301-S, "Omitted Real Estate Property Tax Bill" shall be used by the sheriff to inform taxpayers of an omitted real estate property tax liability.

(100) 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.

(101) Revenue Form 62A303, "Minutes of the Board of Assessment Appeals", shall be used by the county clerk to record the proceedings of the local board of assessment appeals, listing taxpayer information, description of property, property valuation administrator's assessment and amount of increase/decrease.

(102) Revenue Form 62A303-A, "Certification", shall be used by the county clerk to affirm that the minutes of the local board of assessment appeals is accurate.

(103) Revenue Form 62A303-B, "Summary of Appeals Filed With the County Board of Assessment Appeals", shall be used by the county clerk to list all appeals filed with the local board of assessment appeals, including the date and time the hearing has been scheduled.

(104) Revenue Form 62A303-C, "Justification for Decision of Local Board of Assessment Appeals", shall be used to list a justification of the decision of the local board of assessment appeals.

(105) 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".

(106)[(102)] 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".

(107)[(103)] 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.

(108)[(104)] 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.

(109)[(105)] 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.

(110)[(106)] 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.

(111)[(107)] 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.

(112)[(108)] 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.

(113)[(109)] 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.

(114)[(110)] 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.

(115)[(111)] 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.

(116)[(112)] 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.

(117)[(113)] 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.

(118)[(114)] 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.

(119) Revenue Form 62A362-A, "Certification", shall be used by the sheriff to affirm that the list of delinquent personal property tax bills transferred to the county clerk is correct.

(120)[(115)] 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.

(121)[(116)] 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.

(122)[(117)] 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.

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

(124)[(149)] 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.

(125)[(120)] 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.

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

(127)[(122)] 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.

(128)[(123)] 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.

(129)[(124)] 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.

(130)[(125)] 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.

(131)[(126)] 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.

(132)[(127)] 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.

(133)[(128)] 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 the third-party purchaser registers for the tax sale.

(134)[(129)] 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.

(135)[(130)] Revenue Form 62A371, "Attestation Form For Use When Taxpayer Cannot Make Contact With A Third Party Purchaser", shall be used by the taxpayer to attest to the county clerk that the taxpayer attempted to contact the third party purchaser in the manner specified by KRS 134.127(3)(e) and was unsuccessful.

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

(137)[(132)] Revenue Form 62A372-A, "Certification", shall be used by the sheriff to affirm that the list of exoneration is accurate.

(138)[(133)] 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.

(139)[(134)] 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.

(140)[(135)] 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.

(141)[(136)] Revenue Form 62A377, "In House Release of Third Party Purchaser Lien When Lien is Paid to Clerk", shall be used by the county clerk to release a certificate of delinquency when the certificate of delinquency has been paid by the taxpayer and the third party purchaser cannot be located.

(142)[(137)] 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.

(143)[(138)] 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.

(144)[(139)] 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).

(145)[(140)] 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.

(146)[(144)] Revenue Form 62A384C(I) "Instructions to Complete Clay Property Tax Return", shall be used by owners and lessees of land containing mineable clay minerals to file Revenue Form 62A384C.

(147)[(142)] 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.

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

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

(150)[(145)] 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.

(151)[(146)] 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.

(152)[(147)] 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.

(153) Revenue Form 62A386, "Sheriff's Official Receipt for Additional/Supplemental Property Tax Bills", shall be used by the sheriff to acknowledge receipt of additional or supplemental property tax bills and to document the amount to be collected for each taxing district.

(154)[(148)] 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.

(155)[(149)] 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.

(156)[(150)] 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.

(157)(154) 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.

(158)(152) 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.

(159)(153) 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.

(160)(154) Revenue Form 62A500(P), "2015[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.

(161)(155) Revenue Form 62A500, "2015[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.

(162)(156) Revenue Form 62A500-A, "2015[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.

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

(164)(158) 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.

(165)(159) 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.

(166)(160) 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.

(167)(164) Revenue Form 62A500-W, "2015[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.

(168)(162) 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.

(169)(163) 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.

(170)(164) 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.

(171)(165) 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.

(172)(166) 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.

(173)(167) 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.

(174)(168) 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.

(175)(169) 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.

(176)(170) 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 unmixed coal property.

(177)(171) 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.

(178)(172) 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.

(179)(173) 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.

(180)(174) 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.

(181)(175) 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.

(182)(176) 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.

(183)(177) 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.

(184)(178) 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.

(185)(179) 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.

(186)(180) 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.

(187)[(184)] 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 10A104, "Update Or Cancellation Of Kentucky Tax Account(s)", shall be used by taxpayers with a coal severance and processing tax account to update business information or to cancel the account.

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

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

(5) 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.

(6) 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.

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

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

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

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

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

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

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

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

(15) Revenue Form 56A109, "Schedule C, Natural Gas First Purchased by Taxpayer From Kentucky Producers", shall be used

by natural gas taxpayers who are first purchasers of natural gas to show gross value by county or counties from which the natural gas was extracted.

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

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

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

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

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

(a) Property tax - referenced material:

1. Revenue Form 61A200(P), "Property Tax Forms and Instructions for Public Service Companies 2015[2014]", November 2014[October 2013];

2. Revenue Form 61A200, "Public Service Company Property Tax Return for Year Ending December 31, 2014[2013]", November 2014[October 2013];

3. Revenue Form 61A200(A), "Report of Total Unit System and Kentucky Operations", November 2014[October 2013];

4. Revenue Form 61A200(B), "Report of Kentucky Vehicles, Car Lines and Watercraft", November 2014[October 2013];

5. Revenue Form 61A200(C), "Report of Total Unit Operations Balance Sheet", November 2014[October 2013];

6. Revenue Form 61A200(D), "Report of Total Unit Operations Income Statement", November 2014[October 2013];

7. Revenue Form 61A200(E), "Filing Extension Application", November 2014[October 2013];

8. Revenue Form 61A200(G), "Report of Capital Stocks", November 2014[October 2013];

9. Revenue Form 61A200(H), "Report of Funded Debt", November 2014[October 2013];

10. Revenue Form 61A200(I), "Business Summary by Taxing Jurisdiction", November 2014[October 2013];

11. Revenue Form 61A200(J), "Property Summary by Taxing Jurisdiction, Operating and Nonoperating Property", November 2014[October 2013];

12. Revenue Form 61A200(K), "Operating Property Listing by Taxing Jurisdiction", November 2014[October 2013];

13. Revenue Form 61A200(K2), "Nonoperating [Nonoperating/Nonutility] Property Listing by Taxing Jurisdiction", November 2014[October 2013];

14. Revenue Form 61A200(L), "Report of Allocation Factors, Operating and Noncarrier Property for All Interstate Companies", November 2014[October 2013];

15. Revenue Form 61A200(M), "Report of Property and Business Factors for Interstate Railroad and Sleeping Car Companies", November 2014[October 2013];

16. Revenue Form 61A200(N1), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", November 2014[October 2013];

17. Revenue Form 61A200(N2), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", November 2014[October 2013];

18. Revenue Form 61A200(N3), "Summary Report of System and Kentucky Operating Lease Payments", November 2014[October 2013];

19. Revenue Form 61A200(O), "Railroad Private Car Mileage Report", November 2014[October 2013];

20. Revenue Form 61A200(Q), "Supplemental Report of Operations for Contained and Residential Landfills", November 2014[October 2013];

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21. Revenue Form 61A200(R), "Report of Property Subject to the Pollution Control Tax Exemption", November 2014~~[October 2013]~~;

22. Revenue Form 61A200(U), "Industrial Revenue Bond Property", November 2014~~[October 2013]~~;

23. Revenue Form 61A202, "2015~~[2014]~~ Public Service Company Property Tax Return for Railroad Car Line", November 2014~~[October 2013]~~;

24. Revenue Form 61A206(P), "Public Service Company Property Tax Forms and Instructions for Commercial Air Passenger and Air Freight Carriers 2015~~[2014]~~", November 2014~~[October 2013]~~;

25. Revenue Form 61A206, "Public Service Company Property Tax Return For Commercial Air Passenger and Air Freight Carriers", November 2014~~[October 2013]~~;

26. Revenue Form 61A206(A), "Filing Extension Application for Public Service Company Property Tax Return", November 2014~~[October 2013]~~;

27. Revenue Form 61A206(B), "Report of Kentucky Registered and Licensed Motor Vehicles", November 2014~~[October 2013]~~;

28. Revenue Form 61A206(C), "Report of Financial Operations for Commercial Air Passenger and Air Freight Carriers", November 2014~~[October 2013]~~;

29. Revenue Form 61A206(D-1), "Report of System Aircraft Fleet", November 2014~~[October 2013]~~;

30. Revenue Form 61A206(D-2), "Report of System Aircraft Fleet", November 2014~~[October 2013]~~;

31. Revenue Form 61A206(D-3), "Report of System Aircraft Fleet", November 2014~~[October 2013]~~;

32. Revenue Form 61A206(E), "Report of Kentucky Flight Statistics By Airport", November 2014~~[October 2013]~~;

33. Revenue Form 61A206(F), "Report of System and Kentucky Allocation Factors", November 2014~~[October 2013]~~;

34. Revenue Form 61A206(G), "Report of Funded Debt", November 2014~~[October 2013]~~;

35. Revenue Form 61A206(H), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", November 2014~~[October 2013]~~;

36. Revenue Form 61A206(I), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", November 2014~~[October 2013]~~;

37. Revenue Form 61A206(J), "Summary Report of System and Kentucky Operating Lease Payments", November 2014~~[October 2013]~~;

38. Revenue Form 61A206(K), "Report of Owned Real Property Located in Kentucky By Taxing District", November 2014~~[October 2013]~~;

39. Revenue Form 61A206(L), "Report of Owned Personal Property Located in Kentucky By Taxing District", November 2014~~[October 2013]~~;

40. Revenue Form 61A206(M), "Summary Report of Total System and Kentucky Operations", November 2014~~[October 2013]~~;

41. Revenue Form 61A206(N), "Industrial Revenue Bond Property", November 2014 ~~[October 2013]~~;

42. Revenue Form 61A206(O), "Public Service Company Sales", November 2014~~[October 2013]~~;

43. Revenue Form 61A207(P), "Commercial Watercraft Personal Property Tax Return 2015~~[2014]~~", November 2014~~[October 2013]~~;

44. Revenue Form 61A207, "2015~~[2014]~~ Commercial Watercraft Personal Property Tax Return", November 2014~~[October 2013]~~;

45. Revenue Form 61A207(A), "Report of Owned Vessels in Your Possession", November 2014~~[October 2013]~~;

46. Revenue Form 61A207(B), "Report of Owned Vessels - in Possession of Others", November 2014~~[October 2013]~~;

47. Revenue Form 61A207(C), "Report of Nonowned Vessels in Your Possession", November 2014~~[October 2013]~~;

48. Revenue Form 61A207(D), "Commercial Watercraft Valuation Worksheet", November 2014~~[October 2013]~~;

49. Revenue Form 61A207(E), "Report of Kentucky Route Miles", November 2014~~[October 2013]~~;

50. Revenue Form 61A207(F), "Report of System Route

Miles", November 2014~~[October 2013]~~;

51. Revenue Form 61A209, "Public Service Company Sales", November 2014~~[October 2013]~~;

52. Revenue Form 61A211, "Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs", November 2014~~[October 2013]~~;

53. Revenue Form 61A211(I), "Instructions Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs", November 2014~~[October 2013]~~;

54. Revenue Form 61A211(IP), "Instructions For Editing the Public Service Company Motor Vehicle Printout", November 2014~~[March 2013]~~;

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

56. Revenue Form 61A240, "Notice of Assessment", July 2011;

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

58. Revenue Form 61A255, "Public Service Company Property Tax Statement", January 2012;

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

60. Revenue Form 61A500(P), "2015~~[2014]~~ Personal Property Tax Forms and Instructions for Communications Service Providers and Multichannel Video Programming Service Providers", November 2014~~[October 2013]~~;

61. Revenue Form 61A500, "2015~~[2014]~~ Tangible Personal Property Tax Return for Communications Service Providers and Multichannel Video Programming Service Providers", November 2014~~[October 2013]~~;

62. Revenue Form 61A500(H), "Report of Total Personal Tangible Property in Kentucky", November 2014~~[October 2013]~~;

63. Revenue Form 61A500(I), "Summary of Gross Personal Tangible Property Listing by Taxing District", November 2014~~[October 2013]~~;

64. Revenue Form 61A500(J), "Summary of Reported Personal Tangible Property Listing by Taxing District", November 2014~~[October 2013]~~;

65. Revenue Form 61A500(K), "Personal Tangible Property Listing by Taxing District", November 2014~~[October 2013]~~;

66. Revenue Form 61A508, "Annual Report of Distilled Spirits in Bonded Warehouse", November 2014~~[October 2013]~~;

67. Revenue Form 61A508-S1, "Schedule 1 Office~~[Department]~~ of Property Valuation Cost of Production Schedule", November 2014~~[October 2013]~~;

68. Revenue Form 61A508-S2, "Schedule 2 Office~~[Department]~~ of Property Valuation Storage Cost Schedule", November 2014~~[October 2013]~~;

69. Revenue Form 61A508-S3, "Schedule 3 Schedule of Bulk Sales", November 2014~~[October 2013]~~;

70. Revenue Form 61A508-S4, "Schedule 4", November 2014~~[October 2013]~~;

71. Revenue Form 61A508-S5, "Schedule 5", November 2014~~[October 2013]~~;

72. Revenue Form 61A508-S6, "Schedule 6 Industrial Revenue Bond Property", November 2014~~[October 2013]~~;

73. Revenue Form 61A509, "Distilled Spirits or Telecoms Property Tax Statement", January 2012;

74. Revenue Form 61F007, "Notification Protesting Your Commercial Watercraft Assessment", July 2011;

75. Revenue Form 61F008, "Notification Protesting Your Assessment", July 2011;

76. Revenue Form 61F009, "Notification Protesting Your Assessment", July 2011;

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

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

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

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

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

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82. Revenue Form 62A010, "Notice for Boat Transfer", 2009;
83. Revenue Form 62A013, "Application for Assessment Moratorium Certificate", December 2009;
84. Revenue Form 62A015, "2015[2014] Motor Vehicle and Watercraft Property Tax Rate Certification", 2014[2013];
85. Revenue Form 62A016, "Quietus", 2014[2012];
86. Revenue Form 62A017, "County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills", 2009;
87. Revenue Form 62A020, "Intercounty Property Tax Collections", 2009;
88. Revenue Form 62A023, "Application for Exemption from Property Taxation", July 2013;
89. Revenue Form 62A030, "Request for Reproduction of PVA Public Records and Contract for Commercial Users", February 2008;
90. Revenue Form 62A044, "Affidavit for Correction/Exoneration of Motor Vehicle/Boat/Trailer Property Tax", February 2009;
91. Revenue Form 62A200(P), "2015[2014] Unmined Coal Property Tax Information Return", December 2014[2013];
92. Revenue Form 62A200, "2015[2014] Unmined Coal Property Tax Information Return", December 2014[2013];
93. Revenue Form 62A200, "Schedule A Fee Property Ownership", December 2014[2013];
94. Revenue Form 62A200, "Schedule B Leased Property", December 2014[2013];
95. Revenue Form 62A200, "Schedule C Property or Stock Transfers", December 2014[2013];
96. Revenue Form 62A200, "Schedule D Lease Terminations, Transfers or Assignments", December 2014[2013];
97. Revenue Form 62A200, "Schedule E Farm Exception to Unmined Minerals Tax", December 2014[2013];
98. Revenue Form 62A200, "Schedule F Geological Information by County", December 2014[2013];
99. Revenue Form 62A301-S, "Omitted Real Estate Property Tax Bill", January 2013;
100. Revenue Form 62A302, "Request for Information for Local Board of Tax Appeals", September 2005;
101. Revenue Form 62A303, "Minutes of the Board of Assessment Appeals", July 2014;
102. Revenue Form 62A303-A, "Certification", July 2014;
103. Revenue Form 303-B, "Summary of Appeals Filed With the County Board of Assessment Appeals", July 2014;
104. Revenue Form 303-C, "Justification For Decision of Local Board of Assessment Appeals", July 2014;
105. Revenue Form 62A304, "Property Valuation Administrator's Recapitulation of Real Property Tax Roll", July 2014[December 2008];
- 106.[402.] Revenue Form 62A305, "Property Valuation Administrator's Summary of Real Property Tax Roll Changes (Since Recapitulation)", July 2014[December 2008];
- 107.[403.] Revenue Form 62A307, "Property Owner Conference Record", September 2005;
- 108.[404.] Revenue Form 62A323, "Record of Additions and Deletions", July 2014[December 2008];
- 109.[405.] Revenue Form 62A329, "Annual Report of Domestic Life Insurance Companies", June 2014[August 2010];
- 110.[406.] Revenue Form 62A350, "Application for Exemption Under the Homestead/Disability Amendment", December 2011;
- 111.[407.] Revenue Form 62A352, "Notice to Real Property Owner of Assessment by Property Valuation Administrator", April 2005;
- 112.[408.] Revenue Form 62A353, "Notice of Listing of Omitted Real Property", September 2005;
- 113.[409.] Revenue Form 62A354, "Notice to Property Owner of Final Decision of Board of Assessment Appeals", July 2014[August 2006];
- 114.[440.] Revenue Form 62A358, "Receipt for Transferring Delinquent Property Tax Bills From the Sheriff to the County Clerk", December 2009;
- 115.[441.] Revenue Form 62A358-S, "Supplemental Receipt to Document Timely Postmarked Payments Received After the Delinquent Tax Bill Transfer Date", March 2010;
- 116.[442.] Revenue Form 62A359, "Sheriff's Report of Real Property Tax Bills Transferred to the County Clerk", December 2009;
- 117.[443.] Revenue Form 62A360, "Order Correcting Erroneous Assessment", 2011;
- 118.[444.] Revenue Form 62A362, "Sheriff's Report of Delinquent Personal Property Tax Bills Transferred to the County Clerk", July 2014[December 2012];
119. Revenue Form 62A362(A), "Certification", July 2014;
- 120.[445.] Revenue Form 62A363, "County Clerk's Claim for Preparing Tax Bills", July 2014[December 2007];
- 121.[446.] Revenue Form 62A363-B, "County Clerk's Claim for Preparing Omitted Tax Bills", July 2014[December 2007];
- 122.[447.] Revenue Form 62A364, "County Clerk's Monthly Report of Omitted Assessments", July 2014[February 2006];
- 123.[448.] Revenue Form 62A365, "Nonresidency Affidavit", January 2012;
- 124.[449.] Revenue Form 62A366, "Order Correcting Erroneous Assessment", December 2013;
- 125.[420.] Revenue Form 62A366-D, "Order Correcting Erroneous Delinquent Assessment", July 2014[December 2013];
- 126.[421.] Revenue Form 62A366R, "Exoneration Form for Property Tax Refund", December 2013;
- 127.[422.] Revenue Form 62A367, "Authorization for Preparing Additional/Supplemental Property Tax Bills", July 2014[December 2008];
- 128.[423.] Revenue Form 62A367-A, "Instructions for Preparation of Additional/Supplemental Tax Bills and Official Receipt", July 2014[November 2011];
- 129.[424.] Revenue Form 62A368-A, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;
- 130.[425.] Revenue Form 62A368-B, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;
- 131.[426.] Revenue Form 62A369, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;
- 132.[427.] Revenue Form 62A369-A, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;
- 133.[428.] Revenue Form 62A370, "Kentucky Department of Revenue Certificate of Registration", November 2009;
- 134.[429.] Revenue Form 62A370A, "Kentucky Department of Revenue Application for Certificate of Registration to Purchase Certificates of Delinquency", October 2013[2011];
- 135.[430.] Revenue Form 62A371, "Attestation Form For Use When Taxpayer Cannot Make Contact With A Third Party Purchaser", January 2013;
- 136.[434.] Revenue Form 62A372, "Sheriff's List of Orders Correcting Erroneous Assessments", February 2006;
- 137.[432.] Revenue Form 62A372-A, "Certification", February 2006;
- 138.[433.] Revenue Form 62A373, "Certificate of Transfer for Property Tax Payment", January 2010;
- 139.[434.] Revenue Form 62A374, "County Clerk Certificate of Delinquency Sale Registration", November 2010;
- 140.[435.] Revenue Form 62A375, "Release of Certificate of Delinquency Assigned to a Third Party", February 2011;
- 141.[436.] Revenue Form 62A377, "In House Release Of Third Party Purchaser Lien When Lien Is Paid To Clerk", January 2013;
- 142.[437.] Revenue Form 62A378, "Report of Mobile Homes and Recreational Vehicles Not Registered in this State", August 2013;
- 143.[438.] Revenue Form 62A379, "Listing of Omitted Real Property", December 2014[2013];
- 144.[439.] Revenue Form 62A380, "Notification of Updated Mailing Address from Sheriff to Property Valuation Administrator", September 2010;
- 145.[440.] Revenue Form 62A384C, "Clay Property Tax Return", January 2013;
- 146.[441.] Revenue Form 62A384C(I), "Instructions to Complete Clay Property Tax Return", January 2014;
- 147.[442.] Revenue Form 62A384-G, "Natural Gas Property Tax Return", January 2013;
- 148.[443.] Revenue Form 62A384-G/O(I), "Gas/Oil", January 2015[2014];

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149.[144.] Revenue Form 62A384L, "Limestone and Sand and Gravel Property Tax Return", January 2015[2014];

150.[145.] Revenue Form 62A384-O, "Oil Property Tax Return Lease Report", January 2013;

151.[146.] Revenue Form 62A385, "Sheriff's Official Receipt for Property Tax Bills", July, 2014[February 2006];

152.[147.] Revenue Form 62A385-A, "Sheriff's Receipt for Unpaid and Partially Paid Tax Bills", July 2014[February 2006];

153. Revenue Form 62A386, "Sheriff's Official Receipt For Additional/Supplemental Property Tax Bill(s)", July 2014;

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

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

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

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

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

159.[153.] Revenue Form 62A398, "Property Valuation Administrator's Bond", September 2014[2010];

160.[154.] Revenue Form 62A500(P), "2015[2014] Personal Property Tax Forms and Instructions", November 2014[2013];

161.[155.] Revenue Form 62A500, "2015[2014] Tangible Personal Property Tax Return", November 2014[2013];

162.[156.] Revenue Form 62A500-A, "2015[2014] Tangible Personal Property Tax Return (Aircraft Assessments Only)", November 2014[2013];

163.[157.] Revenue Form 62A500-C, "Consignee Tangible Personal Property Tax Return", November 2014[2013];

164.[158.] Revenue Form 62A500-L, "Lessee Tangible Personal Property Tax Return", November 2014[2013];

165.[159.] Revenue Form 62A500-M1, "Boat Dealer's Used Inventory Listing for Line 31 Tangible Personal Property Tax Return", November 2014[2013];

166.[160.] Revenue Form 62A500-S1, "Automobile Dealer's Inventory Listing for Line 34 Tangible Personal Property Tax Return", November 2014[2013];

167.[161.] Revenue Form 62A500-W, "2015[2014] Tangible Personal Property Tax Return (Documented Watercraft)", November 2014[2013];

168.[162.] Revenue Form 62A600, "Domestic Savings and Loan Tax Return", August 2013;

169.[163.] Revenue Form 62A601, "Foreign Savings and Loan Tax Return", August 2013;

170.[164.] Revenue Form 62A601-S2, "Schedule B, Computation of Exempt Securities", August 2013;

171.[165.] Revenue Form 62A850, "Bank Deposits Tax Return", August 2013;

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

173.[167.] Revenue Form 62A863, "Financial Institutions Local Deposits Summary Report", November 2014[August 2013];

174.[168.] Revenue Form 62A863-A, "Schedule A, Summary of Net Deposits", August 2013;

175.[169.] Revenue Form 62A880, "Personal Property Assessment", October 2004;

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

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

178.[172.] Revenue Form 62B012, "Oil Assessment Notice", July 2006;

179.[173.] Revenue Form 62B013, "Clay Assessment Notice", July 2006;

180.[174.] Revenue Form 62B015, "Gas Assessment Notice", July 2006;

181.[175.] Revenue Form 62F003, "Appeals Process for Real Property Assessments", September 2014[May 2009];

182.[176.] Revenue Form 62F015, "PVA Open Records Commercial Fee Guidelines", August 2012;

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

184.[178.] Revenue Form 62F200, "Important Reminder", January 2015[2014];

185.[179.] Revenue Form 62F384-G, "Important Reminder", January 2015[2014];

186.[180.] Revenue Form 62F500, "Important Reminder", January 2015[December 2013]; and

187.[181.] Revenue Form 62F1341, "Exemptions Allowed for Savings and Loans, Savings Banks and Similar Institutions for Intangible Property Tax Purposes", August 2011; and

(b) Severance taxes - referenced material:

1. Revenue Form 10A100, "Kentucky Tax Registration Application", July 2013;
2. Revenue Form 10A104, "Update or Cancellation of Kentucky Account(s)", June 2011;
3. Revenue Form 55A004, "Coal Severance Tax Seller/Purchaser Certificate", October 2010;
4. Revenue Form 55A100, "Coal Severance Tax Return", October 2010;
5. Revenue Form 55A100, "Part IV - Schedule of Purchased Coal" and "Part V - Schedule for Thin Seam Coal Tax Credit", October 2010;
6. Revenue Form 55A101, "Coal Severance Tax Return Instructions", October 2010;
7. Revenue Form 55A131, "Credit Memorandum", December 2006;
8. Revenue Form 55A209, "Severance Tax Refund Application", August 2009;
9. Revenue Form 56A001, "Application for Certificate of Registration Minerals and Natural Gas Tax", October 1984;
10. Revenue Form 56A100, "Natural Gas and Natural Gas Liquids Tax Return", July 2004;
11. Revenue Form 56A101, "Minerals Tax Return", July 2004;
12. Revenue Form 56A106, "Minerals Tax Certificate of Exemption", December 2006;
13. Revenue Form 56A107, "Schedule A, Allocation of Gross Value of Minerals Severed in Kentucky and Schedule B, Minerals Purchased from Others for Processing by Taxpayer", January 2005;
14. Revenue Form 56A108, "Schedule A, Gross Value of Natural Gas Sold to Nonconsumers and Schedule B, Taxable Gross Value of Natural Gas and Natural Gas Liquids Extracted in Kentucky by Taxpayer - Allocation", March 2005;
15. Revenue Form 56A109, "Schedule C, Natural Gas First Purchased by Taxpayer from Kentucky Producers", January 2005;
16. Revenue Form 56A110, "Minerals Tax Return Attachment, Schedule C, Computation of Clay Severed and Processed in Kentucky and Allocation of Tax Attributable to Clay", March 2005;
17. Revenue Form 56A112, "Crude Petroleum Transporter's Monthly Report, Kentucky Oil Production Tax", July 2004;
18. Revenue Form 56A113, "Minerals Tax Credit for Limestone Sold in Interstate Commerce", November 1997; and
19. Revenue Form 56A114, "Crude Petroleum Transporter's Application for Registration", December 2006.

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

THOMAS B. MILLER, Commissioner
APPROVED BY AGENCY: December 30, 2014
FILED WITH LRC: January 16, 2015 at noon
PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 24, 2015 from 10:00am till 12:00pm in Room 386, Capitol Annex Building, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend this hearing was 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.

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A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2015. Send written notification of intent to be heard at the public hearing or written comments on the proposed amended administrative regulation to the contact person.

CONTACT PERSON: Lisa Swiger, Staff Assistant, Office of General Counsel, Finance and Administration Cabinet, 501 High Street, Frankfort, Kentucky 40601, phone (502) 564-9526, fax (502) 564-2541.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Lisa Swiger

(1) Provide a brief summary of:

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

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

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

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

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

(a) How the amendment will change this existing administrative regulation: This amendment contains tax forms to be used for tax year 2015.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update tax forms for the tax year 2015.

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

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide taxpayers with the necessary tax forms to file and pay personal tangible and public service property taxes for tax years beginning in 2015.

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

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

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

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

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

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

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

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

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

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

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation does not require an increase in fees or funding.

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

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

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. 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 Finance and Administration Cabinet, Department of Revenue, Office of Property Valuation, Division of Local Support, Division of State Valuation and Division of Minerals Taxation and GIS Services.

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

3. 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? 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 administrative cost will be absorbed in the normal operating cost of the Department.

(d) How much will it cost to administer this program for subsequent years? The administrative cost will be absorbed in the normal operating budget of the Department.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

GENERAL GOVERNMENT CABINET
Kentucky Board of Chiropractic Examiners
(Amendment)

**201 KAR 21:090. ~~[Coursework for two (2) year]~~
Prechiropractic education requirements.**

RELATES TO: KRS 312.019, 312.085

STATUTORY AUTHORITY: KRS 312.019(2), (9)(h), 312.085(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(2) ~~requires~~ and KRS 312.085 provide that the board ~~to pass upon the qualifications of applicants for a license to practice chiropractic. KRS 312.019(9)(h) and 312.085(2) authorize the board to~~ may establish by administrative regulation a two (2) year prechiropractic course of instruction to be completed prior to entry into chiropractic college. This administrative regulation establishes that course of instruction.

Section 1. Prechiropractic Education. An applicant for licensure shall have satisfactorily completed, prior to attending chiropractic college, and as a part of the applicant's ~~his~~ required minimal sixty (60) semester credit hours of prechiropractic education, ~~the following~~ course of instruction established and required by the Council on Chiropractic Education: ~~-(1) English or communicative skills, six (6) semester hours of any college level courses in the English department or Speech, Literature and Mass Communications;~~

~~(2) Psychology, three (3) semester hours;~~

~~(3) Social sciences and humanities, three (3) semester hours;~~

~~(4) Biological science with related laboratories, six (6) semester hours;~~

~~(5) Chemistry, twelve (12) semester hours, which shall include the following:~~

~~(a) At least three (3) semester hours of General/Inorganic Chemistry;~~

~~(b) At least six (6) semester hours of Organic Chemistry and/or Biochemistry; and~~

~~(c) At least six (6) semester hours of the required twelve (12) semester hours of Chemistry must include pertinent related laboratories; and~~

~~(6) Physics and related studies, six (6) semester hours, which must include the following:~~

~~(a) At least three (3) semester hours of Physics with related laboratory; and~~

~~(b) At least three (3) semester hours of additional Physics, Biomechanics, Kinesiology, Statistics or Exercise Physiology (no laboratory required).~~

MARK WOODWARD, D.C., President

APPROVED BY AGENCY: January 28, 2015

FILED WITH LRC: February 10, 2015 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 21, 2015, at 9:00 a.m., local time, at the Kentucky Board of Chiropractic Examiners, 209 South Green Street, Glasgow, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 16, 2015, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until 11:59 p.m. on March 31, 2015. 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: Karalee Oldenkamp, D.C., Executive Director, Kentucky Board of Chiropractic Examiners, P.O. Box 183, Glasgow, Kentucky 42142, phone (270) 651-2522, fax (270) 651-8784.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Karalee Oldenkamp, D.C.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation specifies the prechiropractic coursework which must be completed prior to entry into chiropractic college by any applicant seeking licensure to practice chiropractic in the Commonwealth of Kentucky.

(b) The necessity of this administrative regulation: The necessity of this regulation is to ensure that licensees are properly educated and prepared to enter a chiropractic college.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The board is given the authority by statute to promulgate administrative regulations to establish a recommended course of instruction to be completed prior to entry into a chiropractic college.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation outlines the prechiropractic education required in order to obtain licensure in the Commonwealth of 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 amended administrative regulation removes the specific courses which were previously required by the Council on Chiropractic Education for entry into a chiropractic college. These specific courses have changed and alternate ways of acceptance have been included which has, therefore, caused applicants to be able to attend and graduate from a chiropractic college, but be denied licensure in the Commonwealth of Kentucky. The changes to this regulation remove the specific coursework and refer directly to meeting the requirements set forth by the Council on Chiropractic Education, the entity which grants accreditation to the chiropractic colleges.

(b) The necessity of the amendment to this administrative regulation: This amendment to the current administrative regulation is necessary to prevent qualified applicants from being denied licensure in the Commonwealth of Kentucky.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statute by establishing a recommended course of instruction to be completed prior to entry into a chiropractic college.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation will clearly define the prechiropractic education requirements for licensure in the Commonwealth of Kentucky and bring these requirements into alignment with the current requirements of the chiropractic colleges. By bringing the course of instruction required by Kentucky into alignment with the chiropractic colleges, it will reduce the amount of time the board staff spends inspecting transcripts and it will reduce time spent by the board in reviewing, denying and explaining why an applicant would not qualify for licensure in Kentucky due to outdated prechiropractic education requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation directly impacts the approximately sixty (60) applicants for chiropractic licensure in the Commonwealth of Kentucky the board receives each year.

(4) Provide an analysis 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 in question (3) will have to take to comply with this administrative regulation or amendment: All applicants are required to complete the prechiropractic education as set forth in this administrative regulation. By updating the requirements, the applicants will be favorably impacted and more qualified chiropractors will be able to

obtain licensure to practice chiropractic in the Commonwealth of Kentucky.

(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 obtaining the prechiropractic coursework will vary based on the institution at which the applicant takes the course of instruction.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, the applicants will have completed the prechiropractic education required for obtaining a license to practice chiropractic in the Commonwealth. Since the amended requirements are being brought into alignment with the Council of Chiropractic Education requirements, students entering chiropractic colleges will be able to consider licensure and practice of chiropractic in Kentucky without specific additional coursework prior to entrance into a chiropractic college.

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

(a) Initially: No additional cost is foreseen for the implementation of this administrative regulation.

(b) On a continuing basis: No additional cost is foreseen on a continuing basis for the implementation of this administrative regulation.

(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 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 increase in fees will be necessary to implement this amended regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amended administrative regulation does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not applied as the criteria apply equally to all applicants for licensure in the Commonwealth of Kentucky.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. 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?

Board of Chiropractic Examiners

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS Chapter 13A, KRS 312.019(9)(h), KRS 312.085(2)

3. 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? N/A

(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 (+/-):

Expenditures (+/-):

Other Explanation:

DEPARTMENT OF AGRICULTURE Office of State Veterinarian Division of Animal Health (Amendment)

302 KAR 20:110. Treatment of imported mares.

RELATES TO: KRS 257.070, 9 C.F.R. 93.301

STATUTORY AUTHORITY: KRS 257.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 257.070

requires that importation of animals into Kentucky complies with administrative regulations promulgated by the board. KRS 257.030 authorizes the board to establish necessary quarantines and other measures to control the movement of livestock into, through, or within Kentucky. This administrative regulation establishes a technique for the treatment of a mare imported into Kentucky from a country listed in 9 C.F.R. 93.301 as a country affected by contagious equine metritis (CEM).

Section 1. Definitions. (1) "Application to import" means a request to import a horse or horses to a single specific farm or quarantine facility.

(2) "Approved veterinarian" means a licensed veterinarian who is accredited to do regulatory work by the United States Department of Agriculture and who has physically demonstrated proper swabbing and sampling methods to a representative of the Office of the State Veterinarian.

(3) "CEM" means contagious equine metritis.

(4) "CF test" means a complement-fixation test on equine serum for the detection of antibodies to the contagious equine metritis bacterium.

(5) "Cleansing of a stallion" means thorough washing, using warm water, of the external genitalia of the stallion with the penis in full erection.

(6) "Mare" means a female horse over 731 days of age.

(7) "Set of swabs" means a swab obtained from the clitoral sinus and clitoral fossa.

Section 2. A mare imported into Kentucky for breeding from a country known to be affected by CEM shall be tested and treated for Contagious Equine Metritis by or under the direct supervision of a Kentucky approved veterinarian who is approved by the Kentucky Department of Agriculture according to the procedures established in this section.

(1) Prior to importation, the premises shall be inspected by a representative of the Office of the State Veterinarian and USDA Veterinary Services Guidance 13406.1 shall be completed at the time of inspection and signed by the farm manager.

(2) Following arrival into Kentucky, the veterinarian shall determine the mare's pregnancy status, review the prescribed testing and treatment schedule, and submit to the Office of the State Veterinarian the reported findings and acceptance or enquired amendments to the testing schedule based on the conditions of the mare by completing the Import Mare Agreement Form and Import Mare CEM Plan and Worksheet Form.

(3) During the course of the quarantine, the approved veterinarian shall collect and submit for CEM culture three (3) sets of swabs from the mare. The sets of swabs shall be collected during a twelve (12) day period with a minimal of seventy-two (72) hours lapsing between each set being collected. Mares determined and reported to be non-pregnant shall have an additional swab collected from the endometrium or distal cervix of included with the third set of swabs.

(4) Following the third set of swabs being submitted for culture, the approved veterinarian shall manually remove all organic debris from the clitoral fossa and sinuses. The sinuses shall then be flushed with an approved ceruminolytic agent until all remaining debris has been removed. The approved veterinarian shall, for five (5) consecutive days, wash and clean (scrub), with a solution of not less than two (2) percent chlorhexidine in a detergent base, the external genitalia, vaginal vestibule, clitoral fossa, and clitoral sinuses. The clitoral fossa, clitoral sinuses, external genitalia, and vaginal vestibule shall be filled and covered with an antibiotic

ointment that is effective against the CEM organism and is approved by USDA and the Kentucky State Veterinarian.

(5) After the procedures established in subsections (1) and (2) of this section have been satisfactorily completed and all three (3) of the swabs are reported to the department as testing negative for CEM bacterium, the imported mare may be released from quarantine by the department.

(6) Before the imported mare may be bred in Kentucky, a swab shall be collected from the endometrium and cultured negative for CEM. This swab may be included with any of the three (3) required sets of swabs, or for a pregnant mare, may be collected after foaling.

(7) An imported mare bred in Kentucky shall be prophylactically scrubbed and bred last of the group of mares bred during that session. The external genitalia of the covering stallion shall be cleansed, as defined in Section 1 of this administrative regulation, after breeding an imported mare. The next three (3) mares bred to the stallion, after the imported mare, shall have a blood sample collected and submitted for CF testing fifteen (15) to twenty-five (25) days postbreeding. Included with the submission of the sample shall be the name of the imported mare that was bred prior to the mare being tested, and the name of the covering stallion, date, and time bred.

(8) The farm's management where the stallion is standing shall notify the owner or agent of the three (3) mares bred to the stallion, following an imported mare, that a postbreeding CF test is required.

(9) The farm where the stallion is standing shall contact the Kentucky State Veterinarian and provide the name, breeding date, time, and location of the imported mare covered, and the name, breeding date, time, and location of the three (3) mares bred to the stallion following the imported mare. A mare imported into Kentucky, for breeding, from a country known to be affected by CEM shall be treated by or under the direct supervision of a Kentucky licensed, accredited veterinarian according to the following procedure:

(1) Following arrival into Kentucky, the veterinarian shall obtain a set of swabs from the mare on days one (1), four (4), and seven (7).

(2) On completing the set of swabs on day seven (7), the accredited veterinarian shall manually remove all organic debris from the clitoral fossa and sinuses. The sinuses shall then be flushed with an approved ceruminolytic agent until all remaining debris has been removed. The accredited veterinarian shall, for five (5) consecutive days, wash and clean (scrub), with a solution of not less than two (2) percent chlorhexidine in a detergent base, the external genitalia, vaginal vestibule, clitoral fossa, and clitoral sinuses. The clitoral fossa, clitoral sinuses, external genitalia, and vaginal vestibule shall be filled and covered with an antibiotic ointment that is effective against the CEM organism and is approved by USDA and the Kentucky State Veterinarian.

(3) After the procedures established in subsections (1) and (2) of this section have been satisfactorily completed and all three (3) of the swabs are reported to the department as testing negative for CEM bacterium, the imported mare may be released from quarantine.

(4) Before the imported mare may be bred in Kentucky, a swab shall be collected from the endometrium and cultured negative for CEM. This swab may be included with any of the three (3) required sets of swabs, or for a pregnant mare, may be collected after foaling.

(5) An imported mare bred in Kentucky shall be prophylactically scrubbed and bred last of the group of mares bred during that session. The external genitalia of the covering stallion shall be cleansed, as defined in Section 1 of this administrative regulation, after breeding an imported mare. The next three (3) mares bred to the stallion, after the imported mare, shall have a blood sample collected and submitted for CF testing fifteen (15) to twenty-five (25) days postbreeding. Included with the submission of the sample shall be the name of the imported mare that was bred prior to the mare being tested, and the name of the covering stallion, date, and time bred.

(6) The farm where the stallion is standing shall to notify the

owner or agent of the three (3) mares bred to the stallion, following an imported mare, that a postbreeding CF test is required.

(7) The farm where the stallion is standing shall contact the Kentucky State Veterinarian and provide the name, breeding date, time, and location of the imported mare covered, and the name, breeding date, time, and location of the three (3) mares bred to the stallion following the imported mare.

Section 3. The imported mare may be released from quarantine when:

(1) The requirements of Sections 1 and 2 of this administrative regulation have been completed; and

(2) The required specimens taken from the mare test negative for the CEM bacterium].

Section 3.4. A CEM culture positive mare shall remain under quarantine and shall be treated as described in Section 2(4)(2) and (7)(5) of this administrative regulation. The mare shall have sets of swabs obtained, as described in Section 2(3)(4) of this administrative regulation, no less than twenty-one (21) days after the last day of treatment. If all required specimens taken from the mare test negative for the CEM bacterium, the mare may be released from quarantine.

Section 4.5. User fees shall be assessed for an equine import. (1)(a) An import broker making application to import mares into Kentucky for completion of a CEM quarantine shall be assessed and pay a fee for the processing, implementation, and monitoring of the quarantine.

(b) If multiple destinations are declared for animals to be quarantined, each listed destination shall constitute a separate application.

(2) An application processing and premise inspection fee of \$100 shall be assessed for each application received to import mares into Kentucky for completion of the CEM quarantine.

(3) Upon receipt of the mare(s) at the quarantine facility, the broker shall be assessed a fee of \$120 per individual mare for the receipt, inspection, quarantine, and monitoring to establish the animal's disease status during the quarantine period.

(4) An import broker shall pay a fee for each shipment of mares which arrives at a Kentucky quarantine destination on weekends, state-recognized holidays, and between the hours of 5:01 p.m. and 6:59 a.m.

(a) For weekends and between the hours of 5:01 p.m. and 6:59 a.m., the assessed fee shall be sixty (60) dollars per hour with a minimum of two (2) hours time charged, including the travel time of KDA employees.

(b) For state-recognized holidays, the assessed fee shall be \$120 per hour with a minimum of two (2) hours charged. The holiday fee shall apply to all mares received during the holiday period which runs from the close of business on the last scheduled work day preceding the holiday, through the start of business on the next scheduled work day following the holiday including the travel time of KDA employees.

(5) The broker shall pay the assessed fees by check. The check shall be made payable to the Kentucky State Treasurer and mailed to the Kentucky Department of Agriculture, Office of State Veterinarian within ninety-six (96) hours of receipt of the charges.

(6) Failure to comply with the user fee schedule may result in an application for importation to be delayed or denied.

Section 5. The imported mare shall be released from quarantine when:

(1) The requirements of all sections of this administrative regulation have been completed;

(2) The required specimens taken from the mare test negative for the CEM bacterium; and

(3) No other evidence of CEM conditions, indication of possible CEM suppression, or other related medical issues are found.

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

(a) "Import Mare Agreement Form", February 2015

(b) "Import Mare Agreement Form and Import Mare CEM Plan and Worksheet Form", February 2015; and

(c) "USDA Veterinary Services Guidance 13406.1", February 2015

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Agriculture, Office of the State Veterinarian, 109 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the department Web site at www.kyagr.com.

DR. ROBERT STOUT, Kentucky State Veterinarian

APPROVED BY AGENCY: February 13, 2015

FILED WITH LRC: February 13, 2015 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 23, 2015 at 10:00 a.m., at the Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until the end of the day on March 31, 2015. 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: Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 500 Mero Street, 7th Floor, Frankfort Kentucky 40601, phone (502) 564-4696, fax (502) 564-2133.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Clint Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes criteria and requirements to be met for importation of mares into Kentucky.

(b) The necessity of this administrative regulation: The authorizing statute and USDA requirements require Kentucky to have an approved program for containment of disease.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 260.610 requires the Department of Agriculture promulgate administrative regulations pertaining to importation of animals into Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation clarifies the rules and procedures required to eliminate the threat of CEM in Kentucky's equine population.

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

(a) How the amendment will change this existing administrative regulation: This administrative regulation clarifies the rules and procedures required to eliminate the threat of CEM in Kentucky's equine population.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to add additional safeguards and detail about techniques to clarify the required procedures for treatment of horses under quarantine.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment clarifies the testing and treatment requirements necessary to safeguard against CEM and to allow Kentucky to be approved by the USDA in this area.

(d) How the amendment will assist in the effective administration of the statutes: The clarifications make the requirements easier to read and understand.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 200 mares have been imported for breeding in the last two (2) calendar years. If the

import levels hold consistent as many as 200 horse owners may be affected in the calendar years to come, as well as the KDA.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The entities will need to complete the requirements listed in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): A \$100 fee is required for the premise inspection and \$120 per animal imported.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The mare that successfully completes the quarantine shall be allowed to breed in Kentucky.

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

(a) Initially: No additional cost to this program.

(b) On a continuing basis: No additional cost to this program.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General funds and fees included by this administrative regulation will provide funding sources.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation does not alter the fees previously established

(9) TIERING: Is tiering applied? No. All regulated entities have the same requirements.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 9 C.F.R. Part 93.301

2. State compliance standards. KRS 257.070

3. Minimum or uniform standards contained in the federal mandate. 9 C.F.R. Part 93.301

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this amendment will not impose any stricter requirements than what are minimally necessary for the federal program approval.

5. Justification or the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) 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 Agriculture.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 257.070, 9 C.F.R. 93.301

(3) 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? \$40,000 is the best guess for revenues based on an optimistic estimate.

(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? \$40,000 annually is the estimate yearly for future revenue, based on the past two (2) years of import numbers.

(c) How much will it cost to administer this program for the first year? No additional costs are anticipated, and this is an ongoing program. This area of the OSV is not a full time position and is impossible to calculate specific costs.

(d) How much will it cost to administer this program for subsequent years? No additional costs are anticipated, and this is an ongoing program. This area of the OSV is not a full time position and is impossible to calculate specific costs.

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:

DEPARTMENT OF AGRICULTURE
Office of State Veterinarian, Division of Animal Health
(Amendment)

302 KAR 20:120. Treatment of imported stallions.

RELATES TO: KRS 257.070, 9 C.F.R. 93.301

STATUTORY AUTHORITY: KRS 257.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 257.070 requires that importation of animals~~(the importing of an animal)~~ into Kentucky complies with administrative regulations promulgated by the board. KRS 257.030 authorizes the board to establish necessary quarantines and other measures to control the movement of livestock into, through, or within Kentucky. This administrative regulation establishes a technique~~techniques~~ for the treatment of a stallion~~stallions~~ imported into Kentucky from a country listed in 9 C.F.R. 93.301 as a country affected by contagious equine metritis (CEM)~~outside the continental United States, its territories and possessions, or Canada~~.

Section 1. Definitions. (1) "Application to import" means a request to import a horse or horses to a single specific farm or quarantine facility.

(2) "Approved veterinarian" means a licensed veterinarian who is accredited to do regulatory work by the United States Department of Agriculture and who has physically demonstrated proper swabbing and sampling methods to a representative of the Office of the State Veterinarian.

(3) "Breeding" or "bred" means the natural covering of a mare.

(4)~~[(3)]~~ "CEM" means contagious equine metritis.

(5)~~[(4)]~~ "CF test" means a complement-fixation test on equine serum for the detection of antibodies to the contagious equine metritis bacterium.

(6)~~[(5)]~~ "Set of swabs" means:

(a) For a female equine, a swab obtained from the clitoral sinus and clitoral fossa; and

(b) For an intact male equine, a swab obtained from the prepuce, the urethral sinus, and the fossa glandis, including the diverticulum of the fossa glandis.

(7)~~[(6)]~~ "Stallion" means a male horse, other than a gelding, over 731 days of age.

Section 2. Stallions over 731 days of age at the time of importation from a country identified or classified by the United States Department of Agriculture to be affected with Contagious Equine Metritis, and which imports into the United States and Kentucky via a breeding permit issued by USDA shall be quarantined by the Kentucky Department of Agriculture until all testing for CEM required in Title 9 of the Code of Federal Regulations is complied with and it is determined the stallion is free of the disease causing organism.

Section 3. Stallions, other than those addressed in Section 2 of this administrative regulation, imported from any country outside the continental United States, its territories, possessions, or Canada shall, before breeding in Kentucky, be treated by or under the direct supervision of a Kentucky licensed, accredited

veterinarian according to the requirements of this section.

(1) The stallion's management and approved veterinarian shall complete the Import Stallion Agreement Form and Stallion CEM Worksheet.

(2) The premises shall be inspected by a representative of the Office of the State Veterinarian and USDA Veterinary Services Guidance 13406.1 shall be completed at the time of inspection and signed by the farm manager.

(3) While wearing disposable gloves and using disposable equipment, the veterinarian shall collect one (1) set of swabs from the stallion to be cultured for CEM.

(4) The stallion shall be bred to two (2) test mares that have been qualified as CEM free. The test mares shall qualify as CEM free if:

(a) They test negative to a CF test; and

(b) If three (3) sets of swabs taken from the mares during a twelve (12) day period with a minimal of seventy-two (72) hours lapsing between each set being collected are culture negative for the CEM bacterium.

(5) After being bred by the stallion, a set of swabs shall be collected from the test mares on the third, sixth, and ninth days after breeding.

(6) The test mares shall have a CF test conducted fifteen (15) days after breeding.

(7) With the stallion in full erection, the veterinarian shall, for five (5) consecutive days, wash and clean (scrub) with a solution of not less than two (2) percent chlorhexidine in a detergent base, the prepuce, urethral sinus, and fossa glandis, including the diverticulum of the fossa glandis. The external genitalia, the prepuce, urethral sinus, and fossa glandis, including the diverticulum of the fossa glandis, shall then be filled and covered with an antibiotic ointment that is effective against the CEM organism and which is approved by the USDA and the Kentucky State Veterinarian. A list of approved laboratories may be found at http://www.aphis.usda.gov/animal_health/lab_info_services/downloads/Approvedlabs_CEM.pdf

(8) All tests and cultures required by this section shall be conducted at a laboratory approved by the USDA's National Veterinary Services Laboratory and the Kentucky State Veterinarian. If all required specimens taken from the test mares and stallion are test negative and culture negative for the CEM bacterium, the stallion and the test mares may be released from quarantine~~Stallions over 731 days of age at the time of importation from outside the continental United States, its territories, possessions, or Canada shall, before breeding, be treated by or under the direct supervision of a Kentucky licensed, accredited veterinarian according to the following:~~

(1) While wearing disposable gloves and using disposable equipment, the veterinarian shall collect one (1) set of swabs from the stallion to be cultured for CEM.

(2) The stallion shall be bred to two (2) test mares that have been qualified as CEM free. The test mares shall qualify as CEM free if:

(a) They test negative to a CF test; and

(b) A set of swabs taken from the mares on days one (1), four (4), and seven (7) are culture negative for the CEM bacterium.

(3) After being bred by the stallion, a set of swabs shall be collected from the test mares on the third, sixth, and ninth days after breeding.

(4) The test mares shall have a CF test conducted fifteen (15) days after breeding.

(5) With the stallion in full erection, the veterinarian shall, for five (5) consecutive days, wash and clean (scrub) with a solution of not less than two (2) percent chlorhexidine in a detergent base, the prepuce, urethral sinus, and fossa glandis, including the diverticulum of the fossa glandis. The external genitalia, the prepuce, urethral sinus, and fossa glandis, including the diverticulum of the fossa glandis, shall then be filled and covered with an antibiotic ointment that is effective against the CEM organism and which is approved by the USDA and the Kentucky State Veterinarian. A list of approved laboratories may be found at http://www.aphis.usda.gov/animal_health/lab_info_services/downloads/Approvedlabs_CEM.pdf

~~(7) All tests and cultures required by this section shall be conducted at a laboratory approved by the USDA's National Veterinary Services Laboratory and the Kentucky State Veterinarian. If all required specimens taken from the test mares and stallion are test negative and culture negative for the CEM bacterium, the stallion and the test mares may be released from quarantine].~~

Section 4.[3.] User fees shall be assessed for an equine import. (1)(a) An import broker making application to import a stallion into Kentucky for completion of a CEM quarantine shall be assessed and pay a fee for the processing, implementation, and monitoring of the quarantine.

(b) If multiple destinations are declared for animals to be quarantined, each listed destination shall constitute a separate application.

(2) An application processing and premise inspection fee of \$100 shall be assessed for each application received to import horses into Kentucky for completion of the prescribed CEM quarantine and testing.

(3) Upon receipt of the stallion at the quarantine facility the broker shall be assessed a fee of \$260 per individual stallion for the receipt, inspection, quarantine, test breeding, and monitoring of the stallion and test mares to establish the animal's disease status during the quarantine period.

(4) An import broker shall pay a fee for each shipment of stallions which arrive at a Kentucky quarantine destination on weekends, state-recognized holidays, and between the hours of 5:01 p.m. and 6:59 a.m.

(a) For weekends and between the hours of 5:01 p.m. and 6:59 a.m., the assessed fee shall be sixty (60) dollars per hour with a minimum of two (2) hours time charged including the travel time of KDA employees.

(b) For state-recognized holidays, the assessed fee shall be \$120 per hour with a minimum of two (2) hours time charged. The holiday fee shall apply to all stallions received during the holiday period which runs from the close of business on the last scheduled work day preceding the holiday, through the start of business on the next scheduled work day following the holiday including the travel time of KDA employees.

(5) The broker shall pay the assessed fees by check. The check shall be made payable to the Kentucky State Treasurer and mailed to the Kentucky Department of Agriculture, Office of State Veterinarian within ninety-six (96) hours of receipt of the charges.

(6) Failure to comply with the user fee schedule may result in an application for importation to be delayed or denied.

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

(a) "Import Stallion Agreement Form", February 2015;

(b) "Import Stallion Worksheet Form", February 2015; and

(c) "USDA Veterinary Services Guidance 13406.1", February 2015.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Agriculture, Office of State Veterinarian, 109 Corporate Drive, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the department Web site at www.kyagr.com.

DR. ROBERT STOUT, Kentucky State Veterinarian

APPROVED BY AGENCY: February 13, 2015

FILED WITH LRC: February 13, 2015 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 23, 2015 at 10:00 a.m., at the Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public

hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until the end of the day on March 31, 2015. 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: Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 500 Mero Street, 7th Floor, Frankfort Kentucky 40601, phone (502) 564-4696, fax (502) 564-2133.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Clint Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes criteria and requirements to be met for importation of stallions into Kentucky.

(b) The necessity of this administrative regulation: The authorizing statute and USDA requirements require Kentucky to have an approved program for containment of disease.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 260.610 requires the Department of Agriculture promulgate administrative regulations pertaining to importation of animals into Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation clarifies the rules and procedures required to eliminate the threat of CEM in Kentucky's equine population.

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

(a) How the amendment will change this existing administrative regulation: This administrative regulation clarifies the rules and procedures required to eliminate the threat of CEM in Kentucky's equine population.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to add additional safeguards and detail about techniques to clarify the required procedures for treatment of horses under quarantine.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment clarifies the testing and treatment requirements necessary to safeguard against CEM and to allow Kentucky to be approved by the USDA in this area.

(d) How the amendment will assist in the effective administration of the statutes: The clarifications make the requirements easier to read and understand.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: eight (8) and twelve (12) stallions have been imported for breeding in the last two (2) calendar years, respectively. If the import levels hold consistent as many as twelve (12) horse owners may be affected in the calendar years to come, as well as the KDA.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The entities will need to complete the requirements listed in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): A \$100 fee is required for the premise inspection and \$260 per animal imported.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The stallion that successfully completes the quarantine shall be allowed to breed in Kentucky.

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

(a) Initially: No additional cost to this program.

(b) On a continuing basis: No additional cost to this program.

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

General funds and fees included by this administrative regulation will provide funding sources.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation does not alter the fees previously established

(9) TIERING: Is tiering applied? No. All regulated entities have the same requirements.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 9 C.F.R. Part 93.301

2. State compliance standards. KRS 257.070

3. Minimum or uniform standards contained in the federal mandate. 9 C.F.R. Part 93.301

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this amendment will not impose any stricter requirements than what are minimally necessary for the federal program approval.

5. Justification or the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) 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 Agriculture.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 257.070, 9 C.F.R. 93.301

(3) 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? \$4,500 is the best guess for revenues based on an optimistic estimate.

(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? \$4,500 annually is the estimate yearly for future revenue, based on the past two (2) years of import numbers.

(c) How much will it cost to administer this program for the first year? No additional costs are anticipated, and this is an ongoing program. This area of the OSV is not a full time position and is impossible to calculate specific costs.

(d) How much will it cost to administer this program for subsequent years? No additional costs are anticipated, and this is an ongoing program. This area of the OSV is not a full time position and is impossible to calculate specific costs.

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

Parole Board (Amendment)

501 KAR 1:080. Parole Board policies and procedures.

RELATES TO: KRS 439.310 – 439.440, 532.040 - 532.060, 532.400.

STATUTORY AUTHORITY: KRS 439.340(3)(b).

NECESSITY, FUNCTION, AND CONFORMITY: KRS 439.340(3)(b) requires the Parole Board to promulgate administrative regulations with respect to the conduct of parole and parole revocation hearings and other matters that come before the board, and conditions to be imposed upon parolees. This administrative regulation establishes the policies and procedures for the Parole Board.

Section 1. Incorporation by Reference. (1) "Kentucky Parole Board Policies and Procedures", February 13, 2015[December 6, 2014], are incorporated by reference. Kentucky Parole Board Policies and Procedures include:

KYPB 10-00	Parole Board Hearing Process (Amended 02/13/2015[12/6/2014])
KYPB 10-01	Parole Release Hearings (Amended 02/13/2015[12/6/2014])
KYPB 11-00	Conditions of Parole (Amended 02/13/2015[12/6/2014])
KYPB 12-00	Final Discharge of Parole and Payment of Restitution (Amended 02/13/2015[12/6/2014])
KYPB 13-00	Revocation of Parole: Issuance of Warrants (Amended 02/13/2015[12/6/2014])
KYPB 13-01	Revocation of Parole: Preliminary Hearings (Amended 02/13/2015[12/6/2014])
KYPB 13-02	Revocation of Parole: Final Hearings and Dispositions (Amended 02/13/2015[12/6/2014])
KYPB 13-03	Revocation: Youthful Offenders (Amended 2/14/2011)
KYPB 13-04	Revocation of Parole: Good Cause Hearings (Amended 12/6/2011)
KYPB 14-00	Public and Legislative Relations (Amended 2/14/2011)
KYPB 20-00	Mandatory Reentry Supervision Orders (Amended 02/13/2015[12/6/2014])
KYPB 21-00	Conditions of Mandatory Reentry Supervision (Amended 02/13/2015[12/6/2014])
KYPB 22-00	Final Discharge from Mandatory Reentry Supervision (Amended 02/13/2015[12/6/2014])
KYPB 23-00	Revocation of Mandatory Reentry Supervision: Issuance of Warrants (Amended 02/13/2015[12/6/2014])
KYPB 23-01	Revocation of Mandatory Reentry Supervision: Preliminary Hearings (Amended 02/13/2015[12/6/2014])
KYPB 23-02	Revocation of Mandatory Reentry Supervision: Final Hearings (Amended 02/13/2015[12/6/2014])
KYPB 30-00	Revocation of Postincarceration Supervision: Issuance of Warrants (Amended 02/13/2015[12/6/2014])
KYPB 30-01	Revocation of Postincarceration Supervision: Preliminary Hearings (Amended 02/13/2015[12/6/2014])
KYPB 30-02	Revocation of Postincarceration Supervision: Final Hearings (Amended 02/13/2015[12/6/2014])

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Parole Board, 275 Main Street, 2nd Floor, 40602, telephone (502) 564-3620, fax (502) 564-8995, Monday through Friday, 8 a.m. to 4:30 p.m.

The Chair of the Kentucky Parole Board, with the authorization and approval of a majority of the members of the Parole Board, hereby approves the promulgation of the regulation on behalf of

the Parole Board, as indicated by her signature below.

J. SHANNON JONES, Chair

APPROVED BY AGENCY: February 13, 2015

FILED WITH LRC: February 13, 2015 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 23, 2015 at 1:00 p.m. at the offices of the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky, in the 1st Floor Conference Room. 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 March 31, 2015. 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: John Cummings, Counsel for the Kentucky Parole Board, Justice and Public Safety Cabinet, Office of Legal Services, 275 E. Main Street, Frankfort, Kentucky 40601, phone (502) 564-3620, fax (502) 564-8995.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John Cummings

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation incorporates by reference the policies and procedures governing the Kentucky Parole Board, including the duties and responsibilities of the board and its staff.

(b) The necessity of this administrative regulation: To conform to the requirements of KRS 439.310 - 439.440; 532.040 - 532.060; 532.400; 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 Parole Board.

(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 Kentucky Parole Board members and the board's staff concerning their duties and responsibilities, and to offenders 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 incorporates amended Parole Board policies and procedures clarifying the board's existing policies and procedures, and amends existing procedures to require offenders released to mandatory reentry supervision to make reasonable efforts toward paying court ordered restitution as a general condition of mandatory reentry supervision.

(b) The necessity of the amendment to this administrative regulation: To clarify existing policies and procedures, and to amend existing procedures to require offenders released to mandatory reentry supervision to make reasonable efforts toward paying court ordered restitution as a general condition of mandatory reentry supervision.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment incorporates amended Parole Board policies and procedures clarifying the board's existing policies and procedures adopted pursuant to KRS 439.340(3)(b) governing parole eligibility, parole conditions, parole hearings, revocation hearings, and all other matters that come before the parole Board.

(d) How the amendment will assist in the effective administration of the statutes: By clarifying existing policies and procedures, and by amending existing procedures to require

offenders released to mandatory reentry supervision to make reasonable efforts toward paying court ordered restitution as a general condition of mandatory reentry supervision.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The administrative regulation affects the Kentucky Parole Board and its staff; the Department of Corrections and its Probation and Parole Officers; offenders released onto mandatory reentry supervision pursuant to KRS 439.3406 who owe court-ordered restitution; the public and businesses, organizations, and individuals who are victims of crimes committed by offenders owing court-ordered restitution who are released to mandatory reentry supervision.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The Parole Board members and staff will have to follow the amended policy and procedure. The Department of Corrections and its Probation and Parole Officers will be required uniformly to determine whether each MRS-eligible offender owes court-ordered restitution, and if so, the Department will have to impose special conditions on the offender prior to release to MRS to ensure that the offender makes reasonable efforts toward paying court-ordered restitution, as determined by the Department pursuant to KRS 439.3406(6). MRS offenders owing court-ordered restitution will be required to make reasonable efforts toward paying court ordered restitution as a condition of mandatory reentry supervision. Restitution collected from MRS offenders by the Department will be paid to the crime victims.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No new costs are anticipated to be incurred by the entities identified in question (3). Offenders released to mandatory reentry supervision will be required to make reasonable efforts toward paying court ordered restitution as a condition of supervision.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amended regulation will benefit victims of crime by requiring all offenders released to mandatory reentry supervision to make reasonable efforts toward paying court ordered restitution to crime victims.

(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 Parole Board 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: None.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No.

(9) TIERING: Is tiering applied? No. Tiering was not used because the administrative regulation applies equally to all individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. 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 administrative regulation will impact the operation of the Kentucky Parole Board; the board's staff; and Probation and Parole Officers employed by the Department of Corrections.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 439.310 - 439.440; 532.040 - 532.060; and

532.400.

3. 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. 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.

(a) 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.

(b) How much will it cost to administer this program for the first year? The regulation does not increase costs from what was previously budgeted to the Kentucky Parole Board.

(c) How much will it cost to administer this program for subsequent years? The regulation is not expected to increase costs from what will be budgeted to the Kentucky Parole Board.

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

Revenues (+/-): None

Expenditures (+/-): None

Other Explanation: None.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education
(Amendment)

703 KAR 5:200. Next-Generation Learners.

RELATES TO: KRS 158.6451, 158.6453, 158.6455, 158.860

STATUTORY AUTHORITY: KRS 158.6453, [KRS] 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. This administrative regulation establishes the assessment and accountability requirements for students.

Section 1. Definitions. (1) "Achievement" means student performance described with the student performance levels of novice, apprentice, proficient and distinguished on state-required content area tests.

(2) "College readiness" means the percentage of middle school students meeting [ACT-established] benchmarks on the high school readiness test in grade eight (8) that are linked statistically to the ACT[EXPLORE] test in reading, English or mathematics.

(3) "College- and career-readiness" means a readiness percentage calculated by dividing the number of high school graduates who have successfully met an indicator of readiness for college or career with the total number of graduates.

(4) "Full Academic Year" means 100 or more instructional days of enrollment within the school year.

(5) "Gap" means the percentage of students in the non-duplicated student gap group scoring proficient or distinguished on state-required content area tests and the reduction of students in the novice performance level in individual student gap groups in the state-required reading and mathematics tests.

(6) "Growth" means the percentage of students that show typical yearly growth in reading or mathematics using the student growth percentile and the individual movement of students in reading and mathematics from one (1) performance level to a higher performance level.

(7) "Next-generation instructional programs and supports" means a component of the state-wide accountability system for Kentucky public schools and districts based on reviews of instructional programs.

(8) "Next-generation learners" means a component of the

state-wide accountability system for Kentucky public schools and districts based on student data.

(9) "Next-generation professionals" means a component of the state-wide accountability system for Kentucky public schools and districts based on teacher and administrator data.

(10) "Next-generation schools and districts" means a component of the state-wide accountability system that reports performance data for schools and districts.

(11) "Student growth percentile" means each student's rate of change compared to other students with a similar test score history.

(12) "Typical yearly growth" means a student growth percentile at forty (40) or above.

Section 2. (1) Except as provided in subsections (2) or (3) of this section, Kentucky's accountability system to classify schools and districts shall consist of the following components:

(a) Next-generation learners, as established in this administrative regulation; and

(b) Next-generation instructional programs and support, as established in 703 KAR 5:230.

(2) Following the effective date of an administrative regulation promulgated by the Kentucky Board of Education to establish the requirements for next-generation schools and districts, Kentucky's accountability system to classify schools and districts shall consist of:

(a) The two (2) components included in subsection (1) of this section; and

(b) The next generation schools and districts component.

(3) Following the effective date of an administrative regulation promulgated by the Kentucky Board of Education to establish the requirements for next-generation professionals, Kentucky's accountability system to classify schools and districts shall consist of:

(a) The two (2) components included in subsection (1) of this section;

(b) The next-generation schools and district component, if the administrative regulation referenced in subsection (2) has become effective; and

(c) The next-generation-professionals component.

Section 3. Next-Generation Learners. (1) Data shall be reported for schools and districts in the following categories:

(a) Achievement;

(b) Gap;

(c) Individual student growth;

(d) Readiness for college or career; and

(e) Graduation rate.

(2) Data from individual student performance on state assessments administered as required in KRS 158.6451 and KRS 158.6453 shall be included in the next-generation learners component. This data shall include students with disabilities who participate in the alternate assessment program.

(3) Data in reporting categories shall be attributed to grade level spans for schools and districts as established in this subsection.

(a) Elementary schools shall receive data from achievement, gap, and individual student growth.

(b) Middle schools shall receive data from achievement, gap, individual student growth, and readiness for college.

(c) High schools shall receive data from achievement, gap, individual student growth, readiness for college or career, and graduation rate.

Section 4. Calculations for Reporting Categories. (1) Achievement shall be reported in next-generation learners as established in this subsection.

(a) In elementary, middle, and high schools, for each content area of reading, mathematics, science, social studies, and writing one (1) point for each percent of students scoring proficient or distinguished shall be awarded. One-half (.5) point shall be awarded for each percent of students scoring apprentice. Points shall not be awarded for novice students.

(b) A bonus for distinguished performance shall be calculated as required by this paragraph.

1. The bonus formula shall consider both the percent of students scoring at distinguished and at novice so that a bonus for distinguished student performance shall not overcompensate for novice student performance.

2. Each percent of students scoring distinguished shall receive an additional one-half (.5) point and each percent of students scoring novice shall receive a negative one-half (.5) point.

3. The value generated for novice shall be combined with the value generated for distinguished.

4. Except as provided in subparagraph 6. of this subsection, for schools and districts with a higher distinguished value, the difference between the two (2) values shall be added to the achievement calculation as a bonus for distinguished.

5. For schools and districts with a higher novice value, points shall not be added to the achievement calculation.

6. The distinguished bonus shall not allow the content area value for a school or district to exceed 100 percent.

(c) The following chart shall be used to calculate the points in accordance with paragraphs (a) and (b) of this subsection:

Proficiency Levels	Points Awarded for Each Percent of Students
Novice	0
Apprentice	.5
Proficient	1
Distinguished	1
Bonus for Distinguished (offset by Novice)	.5 for each percentage of distinguished) MINUS.5 for each percentage of novice)

(d)1. In accordance with KRS 158.860(7) and KRS 158.6453(5)(e), a district or school council may determine that high school end-of-course examination results be used for a percentage of a student's final grade in the course.

2. Beginning in the 2011-2012 academic year, end-of-course examinations shall be administered in reading, mathematics, science, and social studies, in accordance with the vendors secured through the state procurement process.

3. If the district or school council's policies do not include end-of-course examination grades in the grading policy or if the end-of-course examination grade percentage is less than twenty (20) percent, the district shall submit an annual report to the Commissioner of Education that provides justification for not using end-of-course examinations for at least twenty (20) percent of a student's final grade in the course.

4. Beginning with the 2012-2013 academic year, the report shall be submitted to the Commissioner of Education on or before December 31.

(2) Gap shall be reported in next-generation learners as established in this subsection.

(a) A single gap group called the non-duplicated gap group shall be created. This group shall consist of an aggregate, non-duplicated count of students in the following demographic categories:

1. African American;
2. Hispanic;
3. American Indian or Native American;
4. Limited English proficiency;
5. Students in poverty based on qualification for free or reduced price lunch; and
6. Students with disabilities that have an Individualized Education Program (IEP).

(b) 1. For each tested content area, students scoring proficient or higher in the non-duplicated gap group shall be summed.

2. The sum shall yield a single gap number of students[proficient or higher] with:

- a. No student counting more than one (1) time; and
 - b. All students in the included groups counted once.
3. The individual content area gap percentages shall be averaged for an overall gap percentage.

(c) The non-duplicated gap group shall have a minimum of ten (10) students per content area in the school or district in order to

report gap data.

(d) A maximum total of 500 points shall be awarded for non-duplicated gap calculation. The points shall be distributed equally among the content areas tested.

(e) Reduction of novice student calculation. Annual novice reduction targets shall be calculated. Points shall be awarded based on the percentage of the annual goal met in the following categories:

1. African American;
2. Hispanic;
3. American Indian or Native American;
4. Limited English proficiency;
5. Students in poverty based on qualification for free or reduced price lunch;
6. Students with disabilities that have an Individualized Education Program (IEP); and
7. Non-duplicated gap group.

(f) The calculations shall be made using the novice reduction in reading and mathematics.

(g) The novice reduction gap groups shall have a minimum of ten (10) students per content area in the school or district in order to report gap data.

(h) A maximum of 500 points shall be awarded for the novice reduction calculation. The points shall be distributed equally between the content areas tested in reading and mathematics.

(3) Individual student growth shall be reported in next-generation learners as established in this subsection.

(a) Individual student growth shall be computed based on points from a student growth percentile model and a categorical growth model.

(b) At elementary and middle schools, calculations shall include scores from students with data from reading assessments across two (2) years and mathematics assessments across two (2) years.

(c) At high school, calculations shall include scores from students with data from college readiness reading and mathematics assessments across two (2) years.

(d) Student growth percentile calculations.

1. One (1) point shall be awarded for each percent of students that shows typical or high growth in reading and one (1) point shall be awarded for each percent of students that shows typical or high growth in mathematics.

2. Typical yearly growth shall be at or above the fortieth (40th) student growth percentile.

3. Points shall not be awarded for students showing lower than typical growth.

(e) For elementary, middle, and high schools, total points shall be fifty (50)[400] for each content area of reading and mathematics for a total of 100[200].

(f) Categorical growth model calculations shall use the following formula: the sum of the number of students moving from one (1) performance category to a higher category, and the number of students remaining at proficient and distinguished, divided by the total number of students.

(g) For elementary, middle, and high schools, total points shall be fifty (50) for each content area of reading and mathematics for a total of 100.

(4) College-and-career-readiness shall be reported in next-generation learners as established in this subsection.

(a) A readiness percentage for each high school shall be calculated by dividing the number of high school graduates that have successfully met at least one (1) indicator of readiness, as listed in paragraph (b) of this subsection, by the total number of graduates. An individual student shall only be attributed to the calculation one (1) time.

(b) The indicators of readiness shall include the percent of students meeting:

1. The Kentucky Council on Postsecondary Education's System-wide Benchmarks on the ACT in Reading, English and Mathematics established in "College Readiness Indicators", incorporated by reference in 13 KAR 2:020;

2. The Kentucky Council on Postsecondary Education's College Placement Test Benchmarks established in "College

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Readiness Indicators", incorporated by reference in 13 KAR 2:020; or

3. The career measures as recognized by the Kentucky Board of Education.

(c)1. An individual student shall earn a bonus of one-half (.5) point in the calculation of the readiness percentage if the student met:

a. Either the:

(i) System-wide Benchmarks on the ACT in Reading, English and Mathematics as established in 13 KAR 2:020; or

(ii) College Placement Test Benchmarks as established in 13 KAR 2:020; and

b. The career measures as recognized by the Kentucky Board of Education.

2. The bonus shall not allow the calculation of the readiness percentage for a school or district to exceed 100 percent.

(d) For middle schools, a readiness for college percentage shall be calculated by determining the percentage of students who meet the[ACT-EXPLORE] benchmarks for reading, English, and mathematics on the high school readiness test that is administered in grade eight (8) and that are linked statistically to the ACT test[as established by ACT, Inc. based on the data from the national administrations of the ACT-EXPLORE].

(e) For middle schools, the percent of students in each tested area of reading, English, and mathematics meeting the benchmark score shall be averaged. This value shall be reported as the middle school college readiness percentage.

(5) Graduation rate shall be reported in next-generation learners as established in this subsection.

(a) The graduation rate shall be computed using the cohort graduation rate[In accordance with the requirements in "Briefing Packet: Graduation Rate Data 2010 State Trends", the graduation rate shall be computed using the:

1. Averaged freshman graduation rate for the years of 2011-2012 and 2012-2013; or

2. The cohort graduation rate beginning with the 2013-2014 year].

(b) The graduation rate for each school and district shall be reported publicly by the Department of Education in the next-generation learners component.[Graduation rate data shall be lagged one (1) year for reporting.]

(6) The total points for next-generation learners shall be awarded as follows:

(a) The total number of points earned in each category of achievement, gap, individual student growth, readiness for college or career, and graduation rate shall be weighted in the following manner:

Grade Range	Achievement	Gap	Growth	Readiness for College or Career	Graduation Rate	Total
Elementary	33.3[30]	33.3[30]	33.3[40]	n/a	n/a	100
Middle	28	28	28	16	n/a	100
High	20	20	20	20	20	100

(b) The total number of points in next-generation learners shall classify schools and districts into one (1) of three (3) classifications:

1. Distinguished;
2. Proficient; and
3. Needs improvement.

(c) Within each of the three (3) classifications, public reports by the Department shall indicate the direction in which school and district performance is moving compared to the prior year report.

(d) In accordance with KRS 158.6455, the Kentucky Board of Education shall amend this administrative regulation or promulgate a new administrative regulation to determine the placement of schools and districts into one (1) of three (3) classifications and the establishment of goals using a standard-setting process utilizing results from the first operational administration of new assessments in 2011-2012. The process shall:

1. Be advised by the National Technical Advisory Panel on Assessment and Accountability; School Curriculum, Assessment and Accountability Council; and the Office of Education Accountability;

2. Use accepted technical procedures and involve Kentucky school and district administrators and teachers; and

3. Be reviewed by the Kentucky Board of Education. Following its review, the Kentucky Board of Education shall approve the final cut scores and goals that determine placement in one (1) of the three (3) classifications by administrative regulation.

(e) If data cannot be calculated for any category of next-generation learners, the weights shall be redistributed using an equal proportion to categories that shall be reported for the school or district.

(7)(a) Students enrolled for a full academic year shall be included in the calculations for achievement, gap, individual student growth, and readiness for college or career for a school and district.

(b) Graduation rate calculations shall include both students enrolled and students earning diplomas.[Section 5. Incorporation by Reference. (1) "Briefing Packet: Graduation Rate Data 2010 State Trends", August 2, 2011, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, 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(5).

TERRY HOLLIDAY, Ph.D., Commissioner of Education
ROGER L. MARCUM, Chairperson

APPROVED BY AGENCY: February 13, 2015

FILED WITH LRC: February 13, 2015 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on March 23, 2015, at 10 a.m. in the State Board Room, First 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 March 31, 2015. 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, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321.

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 state assessment and accountability requirements.

(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 specific details, descriptions, measurements and calculations for establishing the Next-Generation Learners component of the state assessment and accountability system for Kentucky public schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides specific details, descriptions, measurements and calculations for establishing the 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.

(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 removes references to the ACT Explore assessment that will no longer be available for purchase; adds to the Gap calculation a novice reduction target for individual student subgroups; adds to the Growth calculation a categorical growth formula that recognizes when students move to a higher performance level or remain at Proficient or Distinguished performance levels; and changes the elementary level weights to an equal thirty-three and three-tenths (33.3) percent for Achievement, Gap and Growth.

(b) The necessity of the amendment to this administrative regulation: The amendment provides specific improvements to the state 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 as required by KRS 158.6453.

(c) How the amendment conforms to the content of the authorizing statute: This amendment provides specific details, descriptions, measurements and calculations for establishing the Next-Generation Learners component of the state assessment and accountability system for Kentucky public schools.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides specific improvements to the state assessment and accountability program created and implemented by the Kentucky Board of Education.

(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 that have schools with grade three (3) or higher 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 amendment will impact schools and districts and the Kentucky Department of Education by providing the detail necessary to implement the state assessment and accountability system.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The Kentucky Department of Education, schools and districts shall implement the specific details of the assessment and accountability system.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The schools and districts will show continuous improvement as measured by the state assessment and accountability system.

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

(a) Initially: Additional costs are not anticipated.

(b) On a continuing basis: Additional costs are not anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Additional costs are not anticipated. State and federal funds to the

extent any additional costs are incurred.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary.

(8) State whether or not this administrative regulation 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 school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) 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

(2) 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

(3) 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? 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? Amendment adds no additional costs.

(d) How much will it cost to administer this program for subsequent years? Amendment adds no additional costs.

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: Regulation does not generate revenue or establish fees.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Kentucky Board of Education Department of Education (Amendment)

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" or "AMO" means the improvement goal for each school or district calculated from the total[overall] score of the Next-generation learners component.

(2) "Comprehensive District Improvement Plan" or "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" or "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) "District of distinction" means a highest-performing district that:

(a) Meets its current year AMO~~[starting in 2012-2013]~~, student participation rate, and graduation rate goal;

(b) Has a graduation rate above eighty (80)[sixty-(60)] percent for the prior two (2) years;

(c) Does not have a school categorized as a focus school or priority school; and

(d) Scores at the ninety-fifth (95th) percentile or higher on the Overall Score.

(5) "Focus district" means a district that has a non-duplicated student gap group score in the bottom ten (10) percent of non-duplicated student gap group scores for all districts. Focus calculations shall combine two (2) years of data.

(6) "Focus school" means a school that has a non-duplicated student gap group score in the bottom ten (10) percent of non-duplicated student gap group scores for all elementary, middle, and high schools; schools with an individual student subgroup~~[within assessment grades]~~ by level falls in the bottom five (5) percent for individual subjects[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 eighty (80)[sixty-(60)] percent for two (2) consecutive years. Focus calculations shall combine two (2) years of data; focus calculations for new or reconfigured schools shall use one (1) year of data.

(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 2024[2022] and is computed by dividing, by ten (10)[eleven (11)], the difference between the 2014[2014] baseline percent and ninety-eight (98) percent.

(8) "High-progress district" means a district that:

(a) Meets its current year AMO starting in 2012-2013, student participation rate, and graduation rate goal;

(b) Has a graduation rate above eighty (80)[sixty-(60)] percent for the prior two (2) years; and

(c) Has an improvement score indicating the district is 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 school" means:

(a) A Title I school that:

1. Meets its current year AMO starting in 2012-2013, student participation rate, and graduation rate goal;

2. Has a graduation rate above eighty (80)[sixty-(60)] percent for the prior two (2) years; and

3. Has an improvement score indicating the school is 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; or

(b) A Non-Title I school that:

1. Meets its current year AMO starting in 2012-2013 student participation rate, and graduation rate goal;

2. Has a graduation rate above eighty (80)[sixty-(60)] percent for the prior two (2) years; and

3. Has an improvement score indicating the school is 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 district" means a district that:

(a) Meets its current year AMO starting in 2012-2013, student participation rate, and graduation rate goal;

(b) Has a graduation rate above eighty (80)[sixty-(60)] percent for the prior two years; and

(c) Scores at the ninetieth (90th) percentile or higher on the overall score except that a district shall not qualify as highest-performing if any school in the district is categorized as a focus-school or priority school.

(11) "Highest-performing school" means an elementary, middle, or high school level that:

(a) Meets its current year AMO starting in 2012-2013, student participation rate, and graduation rate goal;

(b) Has a graduation rate above eighty (80)[sixty-(60)] percent for the prior two (2) years; and

(c) Scores at the ninetieth (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" means a component of the state-wide accountability system for Kentucky public schools and districts based on reviews of instructional programs.

(14) "Next-generation learners" means a component of the state-wide accountability system for Kentucky public schools and districts based on student data.

(15) "Next-generation professionals" means a component of the state-wide accountability system for Kentucky public schools and districts based on teacher and administrator data.

(16) "Next-generation schools and districts" means a component of the state-wide accountability system that reports performance data for schools and districts.

(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 the 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 all students and the student subgroups in the school or district that participate in annual statewide assessments, with a goal of ninety-five (95) percent.

(20) "Percentile" means the value of a variable below which a certain percent of numbers fall.

(21) "Priority district" means a district that has 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 school" means a school that has an overall score in the bottom five (5) percent of overall scores by level for all schools that have failed to meet the AMO for the last three (3) consecutive years[been identified as a persistently low-achieving or 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 has met its graduation rate goal.

(24) "School level" means the standard configuration of grade levels that form elementary, middle, and high schools as established in 703 KAR 5:240, Section 5.

(25) "School of Distinction" means a highest-performing

elementary, middle, or high school that:

(a) Meets its current year AMO starting in 2012-2013, student participation rate, ~~and~~ graduation rate goal and shall not be identified as a focus school;

(b) Has a graduation rate above eighty (80)~~[sixty (60)]~~ percent for the prior two (2) years; and

(c) Scores at the ninety-fifth (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.

(27) "Student subgroup" means a student group that includes African-American, American Indian, Asian, White, Hispanic, English language learners, students in poverty on qualification for free or reduced price lunch, or students with disabilities who have an Individualized Education Program (IEP).

Section 2. Statewide System of Accountability, Recognition, Support, and Consequences. (1) The accountability system established by 703 KAR chapter 5 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, as established in an administrative regulation that will be promulgated 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, and 2013-2014, and 2014-2015	Next-Generation Learners	Seventy-seven (77) percent
	Next-Generation Instructional Programs and Support	Twenty-three (23) percent
2015-2016 [2014-2015] and subsequent years	Next-Generation Learners	Seventy (70) percent
	Next-Generation Instructional 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 the other components that shall be reported for the school or district.

Section 4. Classifications, Annual Measurable Objectives, and Goals. (1) A school level or district shall be classified based on the overall score in accordance with the requirements established in this subsection.

(a) By level of elementary, middle, or 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 a school level or district as follows:

Percentile based on Overall Score	School or District Classification
At or above ninety (90)	Distinguished
At or above seventy (70)	Proficient
Below seventy (70)	Needs Improvement

(c) The overall score ~~associated with specific percentiles~~ used to classify a school or district as distinguished, proficient, or needs improvement shall be recalculated as the components of the accountability system listed in Section 2 of this administrative regulation are added. When all components have been added, the overall score associated with specific percentiles used to classify a school or district as distinguished, proficient, or needs improvement shall remain constant for a period of five (5) years before calculation of the overall score associated with specific percentiles shall be re-established.

~~(2)[The mean and standard deviation shall be recalculated and the AMO for each school or district shall be reset as the components of the overall score are added. When all three (3) components of the overall score have been included, the AMO for each school and district shall be set for a five (5) year period before the mean and standard deviation are re-established.]~~

~~(3)~~ Each school level or district shall receive an AMO. The method for determining the AMO shall be as follows:

(a) Using the ~~total[overall]~~ score of next-generation learners, 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 adjustments of next-generation learners component are made~~[the components of the accountability system are added and shall follow the timeline established in Section 3 of this administrative regulation]~~.

~~(3)[(4)]~~(a) The AMO goal for a school level or district classified as needs improvement shall be to increase the total score by one-third (1/3)[overall score by .07] of a standard deviation in a five (5) year period[annually].

(b) The AMO goal for a school level or district classified as proficient or distinguished shall be one-half (1/2) the goal of a needs improvement school or district~~[to increase the overall score by .035 of a standard deviation]~~ annually.

~~(4)[(5)]~~ 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)[(6)]~~ For a school level with a changed school service area as established in 703 KAR 5:240, Section 6, the AMO shall be recalculated based on current students. A school or district may submit a plan to recalculate the AMO as established in this subsection.

(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.

(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)[(7)]~~ A focus school identified using the non-duplicated student gap group score method shall be determined in accordance with the requirements established in this subsection.

(a) The non-duplicated student gap group shall be ranked for all schools in the state.

(b) The schools in the lowest ten (10) percent of the non-duplicated student gap group scores by level shall be called focus schools.

(c) Additional Title I schools shall be added to the list as needed to ensure that the list includes at least ten (10) percent of

the Title I schools.

(d) Non-duplicated student gap groups by school shall have at least ten (10) students in order for the subject area calculation to occur.

~~(7) [(8)]~~ A focus school identified using the bottom five (5) percent ~~[third (3rd) standard deviation]~~ method shall be determined as established in this subsection.

(a) By level of elementary, middle, or high, individual student subgroups shall be ranked on the percentage ~~[the state average]~~ of proficient and distinguished students for all schools in the state 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) Student subgroups shall number at least twenty-five (25) students in order for the calculation to occur.

(c) A school having an individual student subgroup by level and subject that falls below the bottom five (5) percent ~~[third (3rd) standard deviation]~~ cut score shall 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)(a) 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.

(b) 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.

(c) Highest-performing and high-progress schools and districts shall receive special recognition as determined by the Commissioner of Education.

(3) A school or district identified for recognition shall continue to meet eligibility criteria in order to retain its designation and receive recognition for that category.

(4) A school or district identified as a priority school or district or a focus school or district shall not be eligible for recognition as a highest-performing school or district or a school or district of distinction, but may receive recognition as a high-progress school or district, if it meets the definition established in Section 1 of this administrative regulation and the requirements of this section.

(5) In order to qualify for recognition ~~[beginning in 2012-2013]~~, a school or district shall meet the AMO goal, graduation rate goal, and student participation rate, and each high school's graduation rate shall be above eighty (80) ~~[sixty (60)]~~ percent.

Section 6. Supports and Consequences. (1) Supports and consequences categories shall include Priority Schools and Districts and Focus Schools and Districts.

(2) A priority school or district shall undergo the education recovery processes established in KRS 160.346 and 703 KAR 5:180, in addition to the requirements and consequences established in this administrative regulation.

(3) A focus school or district shall be required to revise its CSIP or CDIP 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 its CSIP or CDIP within ninety (90) days of receiving the notice from the Commissioner of Education.

Section 7. Continuing Consequences for Schools and Districts

that Remain in Priority or Focus Status for More Than One (1) Year. (1) To exit the priority status, the school or district shall:

(a) Meet AMO goals for three (3) consecutive years;

(b) No longer be identified by the applicable percent calculation of being in the lowest five (5) percent; and

(c) Score at or above an eighty (80) ~~[a seventy (70)]~~ percent graduation rate for three (3) consecutive years.

(2) To exit the focus status, the requirements of this subsection shall be met.

(a) A focus school in the non-duplicated student gap group category shall:

1. Be above the lowest ten (10) percent category;

2. Show improvement in the non-duplicated student gap group; and

3. Meet AMO for two (2) years in a row.

(b) A focus school in the bottom five (5) percent ~~[third standard deviation]~~ category shall have the individual subgroup that triggered the school's placement in the category to:

1. Rise above the bottom five (5) percent ~~[third standard deviation]~~ cut score;

2. Show improvement in the non-duplicated student gap group; and

3. Meet AMO for two (2) years in a row.

(c) A focus school in the category due to graduation rate shall:

1. Have a graduation rate higher than eighty (80) ~~[seventy (70)]~~ percent; and

2. Meet AMO for two (2) years in a row.

(d) A focus district in the non-duplicated student gap group category shall be above the lowest ten (10) percent category.

(3)(a) A school or district that is identified as a priority school or district for two (2) or more consecutive times, or a school or district that remains in the focus school or district category for three (3) consecutive years, shall revise its CSIP or CDIP as specified in Section 9 of this administrative regulation within ninety (90) days of receiving notice from the Commissioner of Education.

(b) The superintendent and the council shall review, revise, and agree upon the CSIP.

(c) The CSIP or CDIP shall be posted to the appropriate school or district Web site.

(4)(a) In addition to the requirements of this section, a priority school or district that is identified for three (3) or more consecutive times, or a focus school or district that is identified for four (4) or more consecutive years, shall revise its CSIP or CDIP as specified in Section 9 of this administrative regulation.

(b) The superintendent and the council shall review, revise, and agree upon the CSIP, which shall then be electronically transmitted to KDE within ninety (90) days of receiving notice from the Commissioner of Education.

(c) The CSIP or CDIP shall be posted to the appropriate school or district Web site.

(d) The school or district shall engage in the following actions:

1. Participate in a set of improvement strategies outlined by an accreditation process;

2. If directed by the department, receive the assignment of a high-achieving partner school or district of similar demographics for mentor activities as directed by the department; and

3. 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 administrative regulation.

(2) The department shall monitor implementation of each CDIP or CSIP 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, each school district shall monitor compliance of individual schools within the district.

Section 9. Comprehensive School and District Improvement Plan Process. (1) Each school or district shall annually develop, review, and revise a comprehensive school or district improvement plan.

(2) The structure of a school or district comprehensive improvement plan 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 inform 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 administrative 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) A CSIP shall also include the elements required of schools by KRS 158.649(5).

(6) A CSIP or CDIP for a priority or focus school or district shall also address the following:

(a) Curriculum alignment for schools within the district and within each individual school, ensuring the instructional program is:

1. Research-based;

2. Rigorous;

3. Aligned with the Kentucky Core Academic Standards as established in 704 KAR 3:303; and

4. Based on student needs;

(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;

(d) Activities to target demonstrators of weakness in program reviews;

(e) Activities to target areas of need identified in teacher and leader effectiveness measures;

(f) School safety, discipline strategies, and other non-academic 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) A priority or focus district 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. A district containing a priority or focus school 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) A priority school shall document meaningful family and community involvement in selecting the intervention strategies that shall be included in the revised CSIP.

(10) The CDIP for a district with a priority or focus school shall include the support to be provided to the priority or focus school by the district. The priority or focus school's CSIP shall include the support that will be provided by the district to the school.

(11) The CDIP for each district shall be posted to the district's Web site. The CSIP for each school shall be posted to the school's Web site. 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(5).

TERRY HOLLIDAY, Ph.D., Commissioner of Education
ROGER L. MARCUM, Chairperson

APPROVED BY AGENCY: February 13, 2015

FILED WITH LRC: February 13, 2015 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on March 23, 2015, at 10 a.m. in the State Board Room, First 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 March 31, 2015. 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, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321.

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 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.

(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. 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.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides specific details for establishing an accountability system for Kentucky public schools that classify schools and districts, and provide for rewards, consequences, and support to Kentucky public schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides specific details for establishing an accountability system to classify schools and districts including goals for improvement, rewards, consequences, and supports to Kentucky public schools.

(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 raises the minimum graduation rate from sixty (60) to eighty (80) percent; provides for the Annual Measurable Objective to be calculated using data from the Next-Generation Learners component; bases Focus identification on two (2) years of data when available; redefines Focus schools as those in the bottom five (5) of performance with individual student groups instead of a third standard deviation methodology; requires Schools of Distinction to have no Focus groups identified; and defines Priority schools as having an overall score in the bottom five (5) percent of overall scores by level for all schools that have failed to meet AMO for the last three (3) years.

(b) The necessity of the amendment to this administrative regulation: The amendment provides specific details regarding classification and labeling of schools, goals for improvement, rewards, consequences, and supports.

(c) How the amendment conforms to the content of the authorizing statute: The amendment provides specific details for establishing an accountability system for Kentucky public schools that classify schools and districts and provide for rewards and consequences.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides specific guidance for the implementation of the accountability system.

(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 amendment will impact schools and districts and the Kentucky Department of Education by providing the detail necessary to consistently implement the state accountability system.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The Kentucky Department of Education, schools and districts shall implement the specific requirements of the assessment and accountability system.

(b) In complying with this administrative regulation or

amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost to the schools, districts or the Kentucky Department of Education.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The schools and districts will experience consistent application of the accountability system and have guidance to make continuous improvement in the accountability system.

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

(a) Initially: Additional costs are not anticipated.

(b) On a continuing basis: Additional costs are not anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Additional costs are not anticipated. State and federal funds to the extent any additional costs are incurred.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary.

(8) State whether or not this administrative regulation 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 school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) 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

(2) 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

(3) 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? 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? Amendment adds no additional costs.

(d) How much will it cost to administer this program for subsequent years? Amendment adds no additional costs.

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: Regulation does not generate revenue or establish fees.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET Kentucky Board of Education Department of Education (Amendment)

703 KAR 5:240. Accountability administrative procedures and guidelines.

RELATES TO: KRS 158.6451, 158.6453, 158.6455

STATUTORY AUTHORITY: KRS 158.6453, 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453(3)(a) and KRS 158.6455(2)(a) require[requires] the

Kentucky Board of Education 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. This administrative regulation establishes administrative procedures and guidelines for Kentucky's assessment and accountability program.

Section 1. Definitions. (1) "A1" means a school that:

(a) Is under administrative control of a principal and eligible to establish a school-based decision-making council; and

(b) Is not an alternative education program operated by, or as a part of, another school.

(2) "Alternative education program" is defined by KRS 160.380(1)(a).

(3) "Full Academic Year" means 100 or more instructional days of enrollment within the school year.

Section 2. Assigning Students for School and District Accountability. (1)(a) A student enrolled in an A1 school for a full academic year shall be counted in the accountability membership of the A1 school and shall be attributed to the A1 school for accountability purposes. This shall include state agency children or other students who have been enrolled in an A1 school by any authority.

(b) A student qualifying as an early graduate based on criteria defined in 704 KAR 3:305 shall be included in the school's accountability calculation in the year in which the student graduates whether or not the student has a full academic year of enrollment.

(2) A student enrolled in an A1 school and attending an alternative education program during the year as a result of local school district policies or procedures shall be counted in the accountability membership of the A1 school and shall be attributed to the A1 school for accountability purposes if the student's combined enrollment in the A1 school and alternative education program is a full academic year.

(3) A student enrolled in an alternative education program for a full academic year as a result of local school district policies or procedures without any enrollment in an A1 school during the same year shall be attributed to the accountability of the district~~[A1 school]~~ that the student would have attended if not enrolled in the alternative education program.

(4) A student not enrolled in any A1 school or an alternative education program for a full academic year, but enrolled in a district for a full academic year, shall be assigned to the district for accountability purposes.

(5) The Department of Education shall monitor alternative school placements. If evidence indicates a district is inappropriately placing students into alternative programs to avoid inclusion in accountability, it shall be further investigated by the Department of Education.

Section 3. Assigning Students for State Accountability. (1) Students enrolled in alternative education programs, and not attributed to an A1 school or district, shall be aggregated into a state level accountability report.

(2) If a student, before completing a full academic year in a school or district as provided in Section 2 of this administrative regulation, is enrolled in an alternative education program by a court, a governmental agency other than a Kentucky public school, or Kentucky school district, the student shall be accountable to the state.

Section 4. Inclusion of Schools in Accountability. (1) All A1 schools shall receive annual accountability classifications as established in 703 KAR 5:200, Section 4(6)(b), for the state's assessment and accountability system and shall receive recognition or support as provided by 703 KAR 5:225.

(2)(a) For reporting purposes, all alternative education programs shall receive annual accountability reports based on

tested students.

(b) Reports for alternative education programs shall be separate from the A1 school accountability reporting.

(c) The alternative education programs reports shall outline the unique features and characteristics of the alternative education program and the appropriate uses and limitations of the data.

(d) State support and recognition as provided in 703 KAR 5:225 may apply to an alternative education program at the discretion of the Commissioner of Education if resources are available.

Section 5. Standard Grade Configuration for Accountability. (1) Accountable grade level configurations shall be elementary, middle, or high school.

(a) Elementary shall include any configuration of grades K-5 or K-6.

(b) Middle school shall include any configuration of grades 5-8 or 6-8.

(c) High school shall include any configuration of grades 9-12.

(2) An A1 school or an alternative education program shall fall into one (1), two (2), or three (3) grade level configurations~~[levels]~~ for accountability reporting.

Section 6. Reporting of Schools with Changed School Service Area. (1)(a) For reporting purposes, a school's past data trend shall be removed from public reporting if a school has a significant change in its stable population.

(b) A school shall be considered to have a stable population, if as a result of a change in service area boundaries or local board of education policies affecting student population served by a school, the population of the school remains at sixty (60) percent or higher of its original students from the previous year in the accountability grades.

(c) To determine if the population is stable, the number of students in the stable population shall be divided by the total number of students in the grades included in the accountability calculations.

1. If the stable population is sixty (60) percent or higher, the school's past trend data shall be reported.

2. If the stable population is less than sixty (60) percent, the school's past trend data shall not be reported.

(2) A school district shall notify the Department of Education of any school that has an unstable population compared to the prior years by October 1.

Section 7. Data Review and School or District Appeal of Accountability Classifications. (1) A written request for a data review shall be submitted to the Department of Education within ten (10) days after the Department of Education officially releases the final accountability classifications as established in 703 KAR 5:200, Section 4(6)(b), to the public.

(2) A written appeal of a final accountability classification shall be submitted to the Commissioner of Education within forty-five (45) days after the Department of Education officially releases the accountability classifications. The appeal of a final classification shall:

(a) Identify clearly the basis for the wrongful effect on the calculations used to place a school into a classification; and

(b) Detail the requested adjustment to be made to the calculations used to place a school into a classification.

(3)(a) The request for an appeal for a school accountability classification shall be signed by the principal upon approval of the school council. If there is no school council, the request shall also be signed by the superintendent, upon approval of the local board of education.

(b) The request for an appeal for a district accountability classification shall be signed by the superintendent upon approval of the local board of education.

(4)(a) Department of Education staff shall review the request for an appeal against the standards set forth in KRS 158.6455(8).

(b) A committee shall be appointed by the Commissioner of Education to review the pending appeals and make recommendations to the Commissioner of Education as to whether

to dispute an appeal. The committee may include a teacher, a parent, a principal, a district assessment coordinator, a superintendent, and a counselor.

(c) If the appeal is disputed by the department, it shall submit the request to the hearing officer for the Kentucky Board of Education.

(5) The hearing officer shall conduct a hearing in accordance with KRS Chapter 13B. The hearing officer shall submit a written recommended order to the Kentucky Board of Education for the board's consideration in rendering its final order, in accordance with KRS Chapter 13B.

Section 8. Student participation in state assessments. (1)(a) All students enrolled shall participate at the appropriate grade level for the state-required assessments in grades 3-8, the college readiness tests, and the writing on demand tests.

(b) For assessment and accountability purposes, the state shall not use the primary level designator and all students in grades 3-12 shall be assigned a single grade level. The assigned grade level shall determine the state tests to administer.

(c) Exceptions for testing shall be made for medical-exempted students and foreign-exchange students.

(d) Students categorized as English Learners (EL) shall follow testing guidelines set forth by the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor.

(2) High school students shall participate in the state-required end of course testing program after completing the appropriate course linked to the end of course test.

(3) For the state assessments in grades 3-8, the college readiness tests, and the writing on demand tests, a school shall test all students during the test window that are enrolled in each accountability grade on the first day of the school's testing window and shall complete a roster in the electronic application provided by the [Kentucky] Department of Education.

(4) For the end-of-course examination, the school shall test all students enrolled at the completion of the course associated with the state-required end-of-course examination and shall complete a roster in the electronic application provided by the Kentucky Department of Education.

(5) A student retained in a grade in which state-required assessments are administered shall participate in the assessments for that grade again and shall continue to be included in all accountability calculations. A high school student who re-takes a course attached to an end-of-course examination shall take the end-of-course examination at the end of the appropriate coursework.

(6) A student who is suspended or expelled but continues to receive instructional services required under KRS 158.150 shall participate in the state-required assessments.

Section 9. Students Not Participating in State-Required Assessments. (1) If a student does not participate in state-required assessments, the school at which the student was enrolled on the first day of the testing window shall include the student in the roster in the electronic application provided by the Department of Education.

(2) A student who does not take the state assessments and does not qualify for approved exempted status shall be assigned the lowest reportable score on the appropriate test for accountability calculations.

(3) A student reaching the age of twenty-one (21) years of age who no longer generates state funding under Support Education Excellence in Kentucky shall not be required to participate in state-required assessments.

(4) A student who is expelled and legally not provided instructional services under the standards established in KRS 158.150 shall not be considered to be enrolled for a full academic year, and shall not be included in accountability calculations.

(5) If a student has been expelled or suspended at some point during a year and is enrolled but does not complete the state-required assessment, the student shall be included in the accountability calculation.

(6)(a) If participation in the state-required assessment would

jeopardize a student's physical, mental or emotional well-being, a school or district shall submit a request for medical exemption, which shall be subject to the approval of the Department of Education and which describes the medical condition that warrants exempting a student from the assessments.

(b) An identified disability or handicapping condition alone shall not be considered sufficient reason for granting a medical exemption to state-required assessment and accountability requirements.

(c) A student with an approved medical exemption shall be excluded from state-required assessments and state and federal accountability calculations.

(7) A foreign exchange student may be assessed with state-required assessments, but the foreign exchange student scores shall not be included in the accountability calculations.

(8) If the student moves out of state or to a private school before state-required assessments can be completed in the school or district's announced testing window, the student shall be excluded from accountability calculations.

Section 10. Required Participation in the National Assessment of Educational Progress (NAEP) and State-Required Field Testing.

(1) If a school is selected by the U.S. Department of Education or its designated contractors to participate in NAEP testing, the school shall participate fully.

(2) If a school is selected by the [Kentucky] Department of Education to participate in field testing for state assessment purposes, the school shall participate fully.

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(5).

TERRY HOLLIDAY, Ph.D., Commissioner of Education

ROGER L. MARCUM, Chairperson

APPROVED BY AGENCY: February 13, 2015

FILED WITH LRC: February 13, 2015 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on March 23, 2015, at 10 a.m. in the State Board Room, First 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 March 31, 2015. 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, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321.

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 administrative procedures and guidelines for Kentucky's assessment and accountability program.

(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 administrative procedures and guidelines for the state assessment and accountability system for Kentucky public schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides specific details and guidance to ensure consistent implementation of the state assessment and accountability system.

(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 adds a procedure to include students qualifying as an Early Graduate, based on criteria defined in 704 KAR 3:305, in the school's accountability calculation in the year in which the student graduates whether or not the student has a full academic year of enrollment; adds a procedure for students enrolled in an alternative education program for a full academic year as a result of local school district policies or procedures without any enrollment in an A1 school during the same year to be attributed to the accountability of the district that the student would have attended if not enrolled in the alternative education program; and provides for monitoring of alternative school placements by the Kentucky Department of Education (KDE) and for investigation by KDE if evidence indicates a district is inappropriately placing students into alternative programs to avoid inclusion in accountability.

(b) The necessity of the amendment to this administrative regulation: The amendment provides specific improvements to procedures and guidelines for the state 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 as required by KRS 158.6453.

(c) How the amendment conforms to the content of the authorizing statute: This amendment provides specific details and guidance regarding implementation of the state assessment and accountability system in Kentucky public schools.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides specific procedures and guidance to ensure consistent implementation of accountability in Kentucky schools and districts.

(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 amendment will impact schools and districts and the Kentucky Department of Education by providing the administrative procedures and guidance necessary to ensure consistent application of accountability by schools and districts as required by KRS 158.6453.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The Kentucky Department of Education, schools and districts shall apply consistently the specific procedures and guidance in the state assessment and accountability system. Minimal action required by schools and districts as a result of the amendment. The amendment provides for monitoring of alternative school placements by KDE and investigation if evidence indicates students were inappropriately placed to avoid inclusion in accountability.

(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 the schools, districts or the Kentucky Department of Education.

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

consistently apply procedures and guidance 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: Additional costs are not anticipated.

(b) On a continuing basis: Additional costs are not anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Additional costs are not anticipated. State and federal funds to the extent any additional costs are incurred.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary.

(8) State whether or not this administrative regulation 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 school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) 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

(2) 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

(3) 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? 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? Amendment adds no additional costs.

(d) How much will it cost to administer this program for subsequent years? Amendment adds no additional costs.

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: Regulation does not generate revenue or establish fees.

LABOR CABINET (Amendment)

803 KAR 1:035. Hearing procedure.

RELATES TO: KRS 337.295, 337.310[337.020-337.405]

STATUTORY AUTHORITY: KRS 337.295, 337.310

NECESSITY, FUNCTION, AND CONFORMITY: KRS 337.310 authorizes appeal of orders and decisions issued or made by the Commissioner[requires the Executive Director] of Workplace Standards, Labor Cabinet[Department, to decide all questions of fact arising] under KRS 337.020 to 337.405. KRS[Chapter 13A and] 337.295 authorizes the commissioner[executive director] to issue administrative regulations pertaining to these statutes.[The function of] This administrative regulation establishes[is to set up] the procedure to be followed by the Commissioner[Executive Director] of Workplace Standards in deciding the questions of fact as required by the statute and to insure that the parties to

proceedings concerning alleged violations of the statutes are afforded a fair opportunity to present any and all relevant proof on the matter.

Section 1. Procedure. (1) The Commissioner~~[Executive Director]~~ of Workplace Standards, or his authorized agent, shall investigate any complaint or routinely inspect records relating to an alleged violation of KRS 337.020 to 337.405.

(2)(a) ~~If [Where]~~ a settlement cannot be reached between the employer and employee and if an investigation reveals that questions of fact are in issue or the complaint or routine inspection gives the Commissioner of Workplace Standards~~[executive director]~~, or his authorized agent, good cause to believe that factual issues need to be resolved, then the commissioner~~[executive director]~~, or his authorized agent, shall evaluate all proof submitted and render his tentative findings of fact.

(b) The proof to be evaluated by the commissioner~~[executive director]~~, or his authorized agent, shall include~~[-but is not limited to]~~:

1. The findings of the investigator;
- 2.~~;~~ Sworn affidavits;
- 3.~~;~~ Contractual agreements;
- 4.~~;~~ Payroll records~~;~~ and
5. Other evidence relating to an alleged violation of KRS 337.020 to 337.405.

(c) The commissioner shall cause the tentative findings of fact to be served upon the parties.

(d)1. Service shall be accomplished by mailing a copy of the tentative findings of fact to the party's registered agent for service of process via certified mail.

2. If the party does not have a registered agent for service of process, service of the tentative findings shall be accomplished by certified mail to the party's last known physical address or by personal service.

(3)(a) The party suffering adversely from these tentative findings of facts shall have fifteen (15) days from service~~[the issuance]~~ of the findings to submit a petition for a fact-finding hearing to the commissioner~~[executive director]~~.

(b) The petition shall contain:

1. A brief statement of the petitioner's grounds for believing the tentative findings of fact to be in error; and
2. Any affirmative defense to the findings.

(c) Failure to state ~~the~~~~[such]~~ grounds or defenses shall be cause for the commissioner~~[executive director]~~, or his authorized agent, to deny the petitioner a hearing.

(d) The commissioner~~[executive director]~~, or his authorized agent, shall set a hearing date in order to make final findings of fact concerning the alleged statutory violation.

(e) The parties shall be notified of the hearing date by return receipt mail at least fifteen (15) days prior to the hearing.

(f) If a petition for a fact-finding hearing is not sought or granted, then the tentative findings of fact shall become a final order fifteen (15) days after service~~[the issuance]~~ of the tentative order.

(4) The commissioner~~[executive director]~~, or his authorized agent, shall~~[may]~~ conduct the hearing:

(a) In~~[either]~~ the Frankfort office~~[or Louisville offices]~~ of the Labor Cabinet; or

(b)~~[Department. However,]~~ With unanimous consent of the parties and the commissioner~~[executive director]~~, or his authorized agent,~~[the hearing may be held]~~ at a site in the Commonwealth mutually agreeable to the parties and the commissioner~~[executive director]~~, or his authorized agent.

(5) The hearings shall be conducted in accordance with KRS Chapter 13B~~[not be governed by the rules of evidence prevailing in the courts of the Commonwealth. However, due regard will be had for generally accepted rules of administrative agency hearings in the Commonwealth. A written transcript of the hearing shall be made, unless the parties and the hearing officer agree that the hearing be video taped, in which event the video tape shall serve as record of the proceedings].~~

(6) Subsequent to the hearing, but within ninety (90)~~[thirty (30)]~~

days of receipt of the hearing record and the recommended order, the Secretary of Labor~~[executive director]~~, or his authorized agent, shall evaluate the proof and shall:

(a) Adopt the recommended order of the hearing officer as the agency's order;

(b) Reject or modify the recommended order; or

(c) Remand the matter to the hearing officer for further proceedings as appropriate~~[render his final findings of fact and order, unless otherwise agreed to by the parties].~~

LARRY ROBERTS, Secretary

APPROVED BY AGENCY: January 29, 2015

FILED WITH LRC: January 29, 2015 at 3 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held March 26, 2015, at 10:00 a.m. Eastern Standard Time, at 1047 U.S. HWY 127 South Frankfort, Kentucky in the Bay 2 Conference Room. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2015. 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: E.H. "Chip" Smith, IV, General Counsel, Kentucky Labor Cabinet, 1047 U.S. HWY 127 S, Frankfort, Kentucky 40601, phone 502-564-3281, fax 502-564-5484.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: E.H. "Chip" Smith, IV

(1) Provide a brief summary of:

(a) What this administrative regulation does: It establishes hearing procedures for appeals of orders and decisions issued or made by the Commissioner in regards to Kentucky's wage and hour laws. It establishes procedures to be followed by the Commissioner in deciding an issue(s) that involves the resolution of a factual dispute or controversy pertaining to Kentucky's wage and hour laws and ensures all parties to a proceeding are afforded fair opportunity to present proof.

(b) The necessity of this administrative regulation: Authorizes appeals of orders and decisions issued or made by the Commissioner and it requires the Commissioner to decide all issue(s) that involve the resolution of a factual dispute or controversy pertaining to Kentucky's Wage and Hour laws. The regulation authorizes the Commissioner to administer and enforce Kentucky's wage and hour provisions, including the investigation of allegations of wage and hour statutory and regulatory violations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation establishes hearing procedures for appeals of orders and decisions issued or made by the Commissioner; establishes procedures to be followed by the Commissioner in deciding an issue(s) that involves the resolution of a factual dispute or controversy pertaining to Kentucky's wage and hour laws; and ensures all parties to a wage and hour proceeding are afforded fair opportunity to present proof.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation authorizes the Commissioner to establish hearing procedure standards that meet federal and state standards to ensure all parties to a proceeding are afforded fair opportunity to present proof.

(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 primarily updates the regulation to incorporate name changes due to passage of House Bill 393 which reorganized the Labor Department into the Labor Cabinet. (i.e., "Executive Director" to "Commissioner") The amendment brings

the hearing procedure into compliance with KRS Chapter 13B by removing language eclipsed by passage of KRS Chapter 13B.

(b) The necessity of the amendment to this administrative regulation: In 2010 House Bill 393 elevated the Labor Department being elevated a Labor Cabinet, substantive changes regarding names and titles need to be incorporated. Additional safeguards regarding service of process to an adversely affected party have been added to ensure all parties have an opportunity to be heard and present proof.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment establishes hearing procedures for appeals of orders and decisions issued or made by the Commissioner; establishes procedures to be followed by the Commissioner in deciding an issue(s) that involves the resolution of a factual dispute or controversy pertaining to Kentucky's Wage and Hour laws; and ensures all parties to a wage and hour proceeding are afforded fair opportunity to present proof.

(d) How the amendment will assist in the effective administration of the statutes: The amendment eliminates confusion by conforming language/titles to the current organization of the Labor Cabinet, clarifies that hearing are conducted pursuant to KRS Chapter 13B, and requires service of decisions upon parties prior to a decision becoming final.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Employers within the Commonwealth of Kentucky who employ employees, as the term employee is defined in KRS 337.010(1)(e).

(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: Same as previously.

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

For Employers: There should be no change in cost to employers.

For Employees/laborers: No cost to employee/laborer.

For Kentucky: Any additional cost would be de minimis.

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

For employers: Satisfied employees/laborers; reduced turnover; positive working relationship with employees;

For employees/laborers: Safe and quality working environments, fair compensation, and positive working relationship with employers, increased.

For Kentucky: Retention of workforce; equitable and fair treatment of Kentucky's wage-earning employees; and positive and progressive working relationships between labor and industry.

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

(a) Initially: As these changes are limited to regulatory criteria for administration, no additional costs are anticipated beyond funds in the current budget.

(b) On a continuing basis: As these changes are limited to regulatory criteria for administration, no additional costs are anticipated beyond funds in the current budget.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: As these changes are limited to regulatory criteria for administration, no additional costs are anticipated beyond funds in the current budget.

(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 increased fees or funding will be necessary as any increased cost to the state will be de minimis.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are established directly or indirectly.

(9) TIERING: Is tiering applied? Tiering is not applied as the amendment primarily updates the regulation to incorporate name changes due to 2010 House Bill 393 which reorganized the Kentucky Labor Department into the Kentucky Labor Cabinet.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) 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 Labor Cabinet will have to obtain service of its tentative findings before defaulting an affected employer. No impact is expected to other units, parts, or divisions of state or local government.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 337.295, KRS 337.310, KRS 337.020 - 337.405

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

(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 directly, but the efficient and effective enforcement of payment of wages could have an indeterminable positive effect on potential payroll taxes and reduction in public assistance benefits paid out.

(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 amendments should have a negligible change in cost to administer the program.

(d) How much will it cost to administer this program for subsequent years? The amendments should have a negligible change in cost to administer the program.

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

Revenues (+/-): There is no change in revenues anticipated.

Expenditures (+/-): A de minimis increase in mailing costs can be anticipated due to service through registered mail instead of first class mail. Expenditures may decrease by minimizing or preventing costly litigation based upon appeals claiming due process violations for failing to provide adequate notice.

Other Explanation: none

NEW ADMINISTRATIVE REGULATIONS

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Electrical Division
(New Administrative Regulation)

815 KAR 35:072. Certification of low-voltage installers.

RELATES TO: KRS 198B.990, 227A.010(3), 227A.020, 227A.150

STATUTORY AUTHORITY: KRS 198B.990, 227A.150

NECESSITY, FUNCTION, AND CONFORMITY: KRS 227A.150 requires the Department of Housing, Buildings and Construction to promulgate an administrative regulation to establish the standards for experience, testing, and fees for issuance of a low-voltage installer certificate. This administrative regulation establishes the application procedures, application requirements, and fees for a low-voltage installer certificate.

Section 1. Definitions. (1) "Department" is defined by KRS 227A.010(3).

(2) "Direct supervision" means supervision by a licensed master electrician or electrician, or certified low-voltage installer, who is physically present at all times on the site where the low-voltage electrical work is being performed and who personally directs all work delegated to the unlicensed or uncertified person and remains immediately available to observe, instruct, and guide the unlicensed or uncertified person in his or her work.

(3) "Division" means the Electrical Division within the Department of Housing, Buildings and Construction.

(4) "Fire alarm system" means any low-voltage system, device, or combination of devices used to detect a fire or emit or transmit an alarm, trouble signal, or supervisory signal in the event of a fire, including all circuits controlled or powered by the fire alarm system.

(5) "General alarm system" means any low-voltage system, device, or combination of devices used to emit or transmit an alarm, trouble signal, or supervisory signal in the event of a burglary, robbery, medical emergency, equipment failure, or on the occurrence of any other predetermined event other than a fire.

(6)(a) "General low-voltage electrical system" means any low-voltage system, device, or combination of devices other than a general alarm system, fire alarm system, or mass notification system.

(b) "General low-voltage electrical system" includes stand alone intercom systems and call alert systems (audio or visual), local area network systems, sound systems, low-voltage energy management systems, antenna systems and satellite dish systems, irrigation systems, and low-voltage lighting systems.

(7) "ICC" means the International Code Council.

(8)(a) "Low-voltage" means an electrical wiring system and control circuits directly associated therewith that consist solely of power-limited circuits meeting the definition of a Class II or Class III circuit as defined by NEC Article 725.

(b) For the purposes of this administrative regulation, "low voltage" does not include a low-voltage suspended ceiling power distribution system as defined by NEC Article 393.

(9) "Low-voltage installer" means a person who is certified by the department to install, alter, or repair low-voltage electrical systems.

(10) "Mass notification system" means a low-voltage system used to provide information and instructions simultaneously to all people in a building, area site, or other space.

(11) "NEC" means the National Electrical Code, NFPA 70, as incorporated by reference in 815 KAR 7:120 and 815 KAR 7:125.

(12) "NFPA" means the National Fire Protection Association.

(13) "NICET" means the National Institute for Certification of Engineering Technologies.

(14) "Power-limited circuit" means a circuit that is inherently unable to exceed maximum voltages or that is equipped with a power-limiting source, such as a transformer or battery, and a circuit breaker.

Section 2. Applicability. (1) This administrative regulation shall apply to any low-voltage installation, alteration, or repair in Kentucky and to any applicant for certification as a low-voltage installer.

(2) A master electrician or electrician licensed pursuant to KRS 227A.060 and 815 KAR 35:060 shall be permitted to install, alter, or repair any low-voltage electrical system without obtaining certification as a low-voltage installer pursuant to this administrative regulation.

(3) A person who is not a licensed master electrician or electrician, exempt from electrical licensure pursuant to KRS 227A.030(10), or a certified low-voltage installer pursuant to this administrative regulation, shall only be permitted to assist in the installation, alteration, or repair of a low-voltage system while under the direct supervision of a licensed master electrician or electrician, or of a certified low-voltage installer authorized to install, alter, or repair that type of low-voltage electrical system.

Section 3. Categories of Low-Voltage Installers. A low-voltage installer shall be classified as either:

(1) Class LV-G: General. A general low-voltage installer shall be permitted to install, alter, or repair a general low-voltage electrical system or a general alarm system; or

(2) Class LV-U: Unrestricted. An unrestricted low-voltage installer shall be permitted to install, alter, or repair any low-voltage electrical system, including a general alarm system, fire alarm system, or mass notification system.

Section 4. Qualifications for Certification as a Low-Voltage Installer. (1) Certification shall:

(a) Be issued to an individual; and

(b) Not be issued to a corporation, partnership, company, or other entity.

(2) A general low-voltage installer shall:

(a) Have at least two (2) years of experience immediately preceding the application for certification in the installation of general low-voltage electrical systems in accordance with the National Electrical Code; and

(b) Have achieved a passing score of at least seventy (70) on the ICC Kentucky Low Voltage Electrician Examination administered by an approved examination provider.

(3) An unrestricted low-voltage installer shall:

(a) Have at least two (2) years of experience immediately preceding the application for certification in the installation of fire alarm systems in accordance with the National Electrical Code;

(b) Have achieved a passing score of at least seventy (70) on the ICC Kentucky Low Voltage Electrician Examination administered by an approved examination provider; and

(c) Possess and maintain a NICET Level 2 certification in fire protection engineering technologies and fire alarm systems.

(4) Examination.

(a) A request to sit for the ICC Kentucky Low Voltage Electrician Examination shall be made directly to the testing facilities approved by the department pursuant to KRS 227A.090.

(b) A list of approved testing facilities and contact information shall be provided to applicants upon request.

(c) A passing score on the ICC Kentucky Low Voltage Electrician examination shall be valid for a period of two (2) years.

(5) One (1) year of low-voltage electrical experience shall consist minimally of 1,600 hours of low-voltage electrical work in a contiguous twelve (12) month period.

Section 5. Initial Certification Requirements. Filing the application. An applicant seeking certification as a low-voltage installer shall submit to the division:

(1) A completed and notarized Low-Voltage Installer Certificate Application on Form EL-9;

(2) A nonrefundable application fee of twenty-five (25) dollars;

(3) Proof of satisfactory completion of the examination as established by Section 4 of this administrative regulation;

(4) Proof of the applicant's experience as established by

Sections 4 and 6 of this administrative regulation; and

(5) A passport-sized, color photograph of the applicant taken within the past six (6) months.

Section 6. Verification of Experience. (1) Verification of an applicant's work experience shall be submitted in the form of:

(a) Tax returns or other official tax documents that indicate the applicant's occupation or the nature of the applicant's business activities, including Federal Schedule C, Form W-2, Form 1099, or local occupational tax returns;

(b) A sworn affidavit by a master electrician, electrician, or certified low-voltage installer, on the affiant's letterhead, certifying that the affiant has personal knowledge of the applicant's low-voltage electrical experience and describing the nature and length of that work experience; or

(c) Records of a branch of the United States Armed Forces that indicate the applicant performed a function that primarily involved low-voltage electrical work.

(2)(a) If an applicant is not able to verify his or her experience in accordance with subsection (1) of this section, the applicant may request to appear before the Electrical Advisory Committee to establish his or her background in and familiarity with low-voltage installations through other means.

(b) The division, after considering recommendations from the Electrical Advisory Committee, shall:

1. Review the background established by the applicant pursuant to paragraph (a) of this subsection; and

2. Approve the applicant if he or she has demonstrated that the applicant's experience is substantially equivalent to the requirements established in Section 4 of this administrative regulation.

(3) Additional proof of experience may be requested by the division, prior to or after certification if the division has reason to believe that the experience shown is insufficient or non-existent.

Section 7. Renewal Requirements. (1) A low-voltage installer certification that is not renewed in accordance with this section shall expire on the last day of the certified low-voltage installer's birth month.

(2) A low-voltage installer certification may be renewed on or before the date of its expiration.

(3) Prior to the date of expiration, the division shall mail to each certified low-voltage installer the renewal application form referenced in subsection (4)(a) of this section.

(4) A low-voltage installer seeking to renew his or her certification shall, prior to expiration, submit to the division:

(a) A completed and notarized Low-Voltage Installer Certificate Renewal Application on Form EL-10; and

(b) A nonrefundable renewal fee of twenty-five (25) dollars.

(5) If all documents required to be submitted for renewal are postmarked on or before the last day of the renewal month, the submission shall be considered timely.

Section 8. Conditions of Practice. (1) A low-voltage installer shall not engage in any electrical work or activity for which licensure is required pursuant to KRS Chapter 227A or in any low-voltage electrical work outside the scope of his or her certification class, unless he or she possesses the applicable license.

(2) The installation, alteration, and repair of any low-voltage system shall comply with all applicable provisions of the NEC.

(3) The installation, alteration, and repair of any commercial fire alarm system shall also comply with NFPA 72.

(4) The installation, alteration, and repair of any low-voltage system shall comply with all other applicable provisions of the Kentucky Building Code as established in 815 KAR 7:120 and the Kentucky Residential Code as established in 815 KAR 7:125.

Section 9. Denial, Suspension or Revocation of Certification.

(1) A certificate issued pursuant to this administrative regulation may be denied, suspended, or revoked if the low-voltage installer or applicant has:

(a) Misrepresented or concealed a material fact in obtaining the certification, or in the renewal thereof;

(b) Failed to comply with any of the conditions of practice established in Section 8 of this administrative regulation;

(c) Been incompetent or negligent in the practice of performing low-voltage electrical work;

(d) Failed to comply with any order issued by the division or an assurance of voluntary compliance;

(e) Intentionally charged a customer for work not performed or parts not provided;

(f) Impersonated another certificate holder, or allowed the use of his or her certificate by another person;

(g) Attempted to use an expired, suspended, or revoked license or certification;

(h) Performed electrical work for which a permit is required without obtaining an electrical permit;

(i) Engaged in conduct intended to defraud or deceive the public;

(j) Failed to exercise direct supervision over low-voltage electrical work of unlicensed and uncertified persons under his or her employ or responsibility; or

(k) Failed to exercise due care in the supervision of low-voltage electrical work of unlicensed and uncertified persons under his or her employ or responsibility.

(2) A person whose low-voltage installer certification has been denied, suspended, or revoked shall be entitled to an appeal conducted pursuant to KRS Chapter 13B, if the person delivers written notice of the appeal to the Department of Housing, Buildings, and Construction within:

(a) Ten (10) days of the date of the notice of denial; or

(b) Twenty (20) days of the date of the notice of the proposed disciplinary action.

Section 10. Effective Date. Effective July 1, 2015, a person shall not install, alter, or repair any low-voltage electrical system unless the person is licensed as a master electrician or electrician, exempt from electrical licensure pursuant to KRS 227A.030(10), or certified as a low-voltage installer and authorized to do so in accordance with this administrative regulation.

Section 11. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Low-Voltage Installer Certificate Application," Form EL-9, October 2014; and

(b) "Low-Voltage Installer Certificate Renewal Application," Form EL-10, October 2014.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings, and Construction, Electrical Division, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, Monday through Friday, 8 a.m. to 4:30 p.m.

GARY FECK, Acting Commissioner

AMBROSE WILSON IV, Secretary

APPROVED BY AGENCY: January 27, 2015

FILED WITH LRC: February 3, 2015 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Friday, March 27, 2015, at 10:00 a.m., EDT, in the Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by Friday, March 20, 2015 (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. 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 Tuesday, March 31, 2015. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person:

CONTACT PERSON: Michael T. Davis, General Counsel,
Department of Housing, Buildings and Construction, 101 Sea Hero
Road, Suite 100, Frankfort, Kentucky 40601-5412, phone 502-573-
0365, ext. 144, fax 502-573-1057.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Michael T. Davis

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the application procedures, application requirements, and fees for a low-voltage installer certificate.

(b) The necessity of this administrative regulation: This administrative regulation is necessary in order to implement KRS 227A.150.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 227A.150 requires the Department of Housing, Buildings and Construction to promulgate an administrative regulation to establish the standards for experience and testing for issuance of a low-voltage installer certificate, and authorizes the Department to establish the fee for that issuance.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation directly implements the authorizing statute and establishes the requirements and standards for certification of low-voltage electrical installers.

(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: All individuals seeking to engage the low-voltage electrical trades within 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 comply with this administrative regulation or amendment: Affected individuals who wish to perform low-voltage electrical work without maintaining his or her otherwise required electrician's or master electrician's license will be required to satisfy the requirements for and obtain certification pursuant to 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): The certification application fee established by this regulation is one-half (1/2) of the existing fee already required to maintain licensure as an electrician, and one-fourth (1/4) of the existing fee already required to maintain licensure as a master electrician. Therefore, compliance with this administrative regulation constitutes a reduction to affected entities in the existing required costs of full licensure under KRS Chapter 227A and 815 KAR Chapter 35.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The benefit is the continued opportunity to engage in low-voltage electrical work without meeting the existing requirements of full electrical licensure.

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

(a) Initially: There are no anticipated additional costs to administer these regulatory amendments other than the administrative time necessary to process initial and renewal certifications using existing staffing levels, which costs will be partially offset by the fees established in this administrative

regulation.

(b) On a continuing basis: There are no anticipated additional costs to administer these regulatory amendments other than the personnel time necessary to process initial and renewal certifications using existing staff, which costs will be partially offset by the fees established in this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Any agency costs of implementation will be met with existing agency funds and the application fee revenue established by this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation does not require involve any increase in existing fees or funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes a twenty-five (25) dollar certification application fee and a twenty-five (25) dollar renewal fee, which offset but do not exceed the actual costs associated with the issuance of the certificate or the processing of renewal.

(9) TIERING: Is tiering applied? Tiering is not applied as all low-voltage installers and those seeking certification under this administrative regulation will be subject to the same requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. 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 Housing, Buildings and Construction, Electrical Division.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. This regulation is authorized by KRS 227A.150.

3. 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? Based on the projection that up to 500 individuals currently engaged in low-voltage work will seek to obtain certification, this administrative regulation is anticipated to generate approximately \$12,500 in revenue 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? Based on the assumption that approximately 500 individuals will maintain low-voltage certification, and the fact that the certification is renewable each year, this administrative regulation is anticipated to generate approximately \$12,500 in annual revenues for subsequent years.

(c) How much will it cost to administer this program for the first year? Approximately \$27,000, representing the per hour cost of existing administrative staff.

(d) How much will it cost to administer this program for subsequent years? Approximately \$13,500, representing the per hour cost of existing administrative staff.

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

Revenues (+/-): Neutral.

Expenditures (+/-): Neutral.

Other Explanation: Neutral.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Maternal and Child Health
(Repealer)

902 KAR 4:041. Repeal of 902 KAR 4:040.

RELATES TO: KRS Chapter 13B, 194A.050, 194A.505, 194A.990, 7 C.F.R. Parts 246, 278.6, 21 U.S.C. 802

STATUTORY AUTHORITY: KRS 194A.050(1), 211.090(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) and 211.090(3) authorize the Cabinet for Health and Family Services to promulgate administrative regulations as necessary to execute policies, plans, and programs relating to matters of public health. This administrative regulation repeals 902 KAR 4:040, which is not reflective of current policy and practices of the Special Supplemental Nutrition Program for Woman, Infants, and Children (WIC) as it relates to electronic benefit transfers (EBT).

Section 1. 902 KAR 4:040, Special Supplemental Nutrition Program for Woman, Infants, and Children (WIC), is hereby repealed.

STEPHANIE MAYFIELD GIBSON, MD, FCAP, Commissioner
AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: February 6, 2015

FILED WITH LRC: February 12, 2015 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation will be held on March 23, 2015, at 9:00 a.m., in the Cabinet for Health and Family Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 16, 2015, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation until March 31, 2015. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Tricia Orme, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40602, phone 502-564-7905, fax 502-564-7573, tricia.orme@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Laura Begin

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 902 KAR 4:040.

(b) The necessity of this administrative regulation: This administrative regulation repeals 902 KAR 4:040, which is not reflective of current policy and practices of the Special Supplemental Nutrition Program for Woman, Infants, and Children (WIC) as it relates to electronic benefit transfers (EBT). Provisions of 902 KAR 4:040 have been incorporated into 902 KAR Chapter 18 previously filed by the cabinet.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The only purpose of this administrative regulation is to repeal 902 KAR 4:040, Supplemental Nutrition Program for Woman, Infants, and Children (WIC). KRS 194A.050(1) and 211.090(3) authorize the Cabinet for Health and Family Services to promulgate administrative regulations as necessary to execute policies, plans, and programs relating to matters of public health.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The only purpose of this administrative regulation is to repeal 902 KAR

4:040, Supplemental Nutrition Program for Woman, Infants, and Children (WIC)

(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 regulation is a Repealer.

(b) The necessity of the amendment to this administrative regulation: This regulation is a Repealer.

(c) How the amendment conforms to the content of the authorizing statutes: This regulation is a Repealer.

(d) How the amendment will assist in the effective administration of the statutes: This regulation is a Repealer.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: No one is affected by this administrative regulation as the provisions are now included in Chapter 18.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No actions will be necessary as this regulation only repeals 902 KAR 4:040.

(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 as this regulation only serves to repeal 902 KAR 4:040.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This regulation only serves to repeal 902 KAR 4:040.

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

(a) Initially: There is no cost associated with the repeal of 902 KAR 4:040, Supplemental Nutrition Program for Woman, Infant, and Children (WIC).

(b) On a continuing basis: On a continuing basis, additional funding is not required. There is no cost associated with the repeal of 902 KAR 4:040, Supplemental Nutrition Program for Woman, Infant, and Children (WIC).

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no source of funding associated with the repeal of 902 KAR 4:040, Supplemental Nutrition Program for Woman, Infant, and Children (WIC). There is no programmatic change as requirements are now housed in Chapter 18 instead of 902 KAR 4:040.

(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 are no fees or funding associated with the repeal of 902 KAR 4:040, Supplemental Nutrition Program for Woman, Infants, and Children (WIC).

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: There are no fees associated with the repeal of 902 KAR 4:040, Supplemental Nutrition Program for Woman, Infants, and Children (WIC)

(9) TIERING: Is tiering applied? There is no tiering associated with the repeal of 902 KAR 4:040, Supplemental Nutrition Program for Woman, Infants, and Children (WIC), because the policy is applied equally across the state.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Cabinet for Health and Family Services, Department for Public Health will be impacted by this regulation which serves to repeal 902 KAR 4:040.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1) and 211.090(3) authorize the Cabinet

for Health and Family Services to promulgate administrative regulations as necessary to execute policies, plans, and programs relating to matters of public health.

3. 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 only purpose of this administrative regulation is to repeal 902 KAR 4:040, Supplemental Nutrition Program for Woman, Infants and Children (WIC). No new revenue will be generated for state or local government to implement this regulation.

(b) How much revenue will this administrative regulation generate for the state and local government (including cities, counties, fire departments, or school districts) for subsequent years? The only purpose of this administrative regulation is to repeal 902 KAR 4:040, Supplemental Nutrition Program for Woman, Infants, and Children (WIC). No new revenue will be generated for state or local government to implement this regulation.

(c) How much will it cost to administer this program for the first year? This is a Repealer regulation.

(d) How much will it cost to administer this program for the subsequent years? This is a Repealer regulation.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation: No additional expenditures are necessary to implement this regulation.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of February 9, 2015

Call to Order and Roll Call

The February 2015 meeting of the Administrative Regulation Review Subcommittee was held on Monday, February 9, 2015, at 2:30 p.m., in Room 149 of the Capitol Annex. Senator Ernie Harris, Co-Chair, called the meeting to order, the roll call was taken. The minutes of the January 2015 meeting were approved.

Present were:

Members: Senators Julie Raque Adams, Perry Clark, and Ernie Harris; and Representatives Denver Butler and Mary Lou Marzian.

LRC Staff: Donna Little, Emily Caudill, Sarah Amburgey, Carrie Klaber, Karen Howard, Emily Harkenrider, Ange Bertholf, and Betsy Cupp.

Guests: Donna Brockman, Professional Learning and Assessment; Doug Hendrix, Pete McDonald, Troy Robinson, Finance and Administration Cabinet; Leanne Diakov, Mark Jorrich, M.D., Michael Rodman, Board of Medical Licensure; Matt James, Board of Licensed Diabetes Educators; Gerald Ross, Department of Criminal Justice Training; Laura Begin, Troi Cunningham, R.N., C. Darrell Jennings, M.D., Department of Public Health, Newborn Screening; Leslie Hoffmann, Natalie Kelly, Stuart Owen, Department of Medicaid Services; Phyllis Sosa, Tonia Wells, Department of Aging and Independent Living; Mary Sparrow, Steve Veno, Child Support Enforcement; Elizabeth Caywood, Jason Dunn, Mary Beth Jackson, Beth Jurek, Department for Community Based Support; Dr. Larry Suess.

Administrative Regulations Reviewed by the Subcommittee:

EDUCATION PROFESSIONAL STANDARDS BOARD: Assessment

16 KAR 6:010. Examination prerequisites for teacher certification. Donna Brockman, director of professional learning and assessment, 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 technical correction; and (2) to amend Section 2 to correct dates for consistency. Without objection, and with agreement of the agency, the amendments were approved.

FINANCE AND ADMINISTRATION CABINET: Office of the Secretary: Fleet Management

200 KAR 40:010. Motor pool procedure. Doug Hendrix, deputy general counsel; Pete McDonald, director of fleet management; and Troy Robinson, executive director, represented the office.

In response to a question by Co-Chair Marzian, Mr. McDonald stated that the office sought energy-efficient, "green" vehicles for the fleet.

In response to a question by Co-Chair Harris, Mr. Robinson stated that the incorporated guides were revised to update information regarding texting prohibitions, Web site addresses, and mileage reimbursement tables.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph, Sections 1 and 3, and the material incorporated by reference to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

200 KAR 40:020. Purchase, use, lease, maintenance, and disposal of state-owned motor vehicles.

A motion was made and seconded to approve the following amendments: to amend Sections 2, 5, and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

GENERAL GOVERNMENT CABINET: Board of Medical Licensure: Board

201 KAR 9:270. Professional standards for prescribing or dispensing Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone. Leanne K. Diakov, general counsel; Mark Jorrich, M.D.; and Michael Rodman, executive director, represented the board. Dr. Larry Suess, child psychiatrist, appeared in opposition to this administrative regulation.

In response to a question by Senator Clark, Ms. Diakov stated that a patient who had tested positive for THC was not automatically rejected from the program. The patient would be counseled by the physician, and the physician would determine if there was a need for a change to the treatment plan.

Dr. Suess stated that Kentucky was experiencing a high rate of heroin abuse. This administrative regulation's standard for treatment with Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone separated dependence treatment from the medical care system, which limited access to care and contributed to the stigma of getting treatment. The requirement to report information to the Kentucky Health Information Exchange was redundant because the information was already reported to the KASPER system. Additionally, the information was subject to security threats, such as hacking. Naloxone should be administered only with great caution to pregnant women, newborns, or women who are nursing. These medications were prohibited for patients taking certain other medications unless prescribed by an addition specialist. Because of the small number of addiction specialists, this may create an access problem for many patients. Dr. Suess requested that the board withdraw this administrative regulation or that the subcommittee find this administrative regulation deficient.

Ms. Diakov stated that the Cabinet for Health and Family Services requested that the information be reported to the Kentucky Health Information Exchange in order to promote information sharing for comprehensive care, and the security risk was no greater than any other threat to information in that system. Dr. Jorrich stated that the standard of care established for treatment during pregnancy was shown as not harmful to mother or baby if administered orally. There was still a risk of misuse, which would then possibly have a harmful effect.

In response, Dr. Suess stated that the information required for the Kentucky Health Information Exchange was already available through the KASPER system and thus was redundant, doubling the risk to the security of the information. Additionally, the information may result in refusal of the insurance company to pay for the medication.

Co-Chair Harris requested that Dr. Suess continue to work with the board in the development of this administrative regulation.

A motion was made and seconded to approve the following amendments: to amend Section 2 to: (1) use the term "prescribing or dispensing physician" rather than "physician"; (2) include generic forms of the treatment medications; (3) establish procedures if a patient is transferred from a previous treatment provider; and (4) specify that, after the second month of treatment, if the patient is progressing, the physician shall ensure that the patient shall be seen at least once monthly thereafter. Without objection, and with agreement of the agency, the amendments were approved.

Board of Licensed Diabetes Educators: Board

201 KAR 45:110. Supervision and work experience. Matt James, assistant attorney general, represented the board.

201 KAR 45:120. Renewal, reinstatement, and inactive status.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 through 3 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 5 to revise the form incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

JUSTICE AND PUBLIC SAFETY CABINET: Kentucky Law Enforcement Council: Council

503 KAR 1:090. Approval of course curriculums. Gerald Ross, assistant general counsel, represented the council.

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; (3) to amend Sections 1, 2, and 4 to specify curriculum submission requirements and approval procedures; and (4) to amend Sections 3, 5, and 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.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Division of Maternal and Child Health: Maternal and Child Health

902 KAR 4:030. Newborn screening program. Laura Begin, regulation coordinator; Troi Cunningham, RN, nurse administrator; and C. Darrel Jennings, M.D., associate director, represented the cabinet.

In response to a question by Co-Chair Harris, Ms. Cunningham stated that hospitals paid the fee for the newborn screening program and were billed monthly in a standard bundle. The fee was not charged for repeat screening.

Department for Medicaid Services: Division of Policy and Operations: Behavioral Health

907 KAR 15:040 & E. Coverage provisions and requirements regarding targeted case management for individuals with a substance use disorder. Leslie Hoffmann, director of behavioral health; Natalie Kelly, division director; and Stuart Owen, regulation coordinator, represented the cabinet.

A motion was made and seconded to approve the following amendments: (1) to amend Section 3 to expand the types of Medicaid providers authorized to provide targeted case management services to include Levels I and II psychiatric residential treatment facilities for recipients under twenty-one (21), chemical dependency treatment centers for individuals with a substance use disorder, outpatient hospitals, and psychiatric hospitals; (2) to amend Section 4 to create an exemption to the targeted case manager educational requirements by waiving requirements for anyone who has provided or supervised targeted case management services any time from April 1, 2014 until the administrative regulation's effective date; (3) to amend Section 8 to: (a) remove the restriction that an individual who provides targeted case management services cannot provide any other services but establishes that the individual cannot provide any other services to the recipient to whom the individual is providing targeted case management services; and (b) establish an overall caseload cap for targeted case managers of twenty-five (25) recipients at one (1) time beginning October 1, 2015; (4) to amend Section 9 to correct citations to federal law; (5) to amend Section 10 to clarify that: (a) the timeframe for providing requested information to the department or a managed care organization shall be reasonable given the nature of the request and circumstances surrounding the request and shall be a minimum of one (1) business day; and (b) a targeted case management services provider may request a longer timeframe; and (6) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2, 4, 9, and 10 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 15:045 & E. Reimbursement provisions and requirements for targeted case management services for individuals with a substance use disorder.

907 KAR 15:050 & E. Coverage provisions and requirements regarding targeted case management for individuals with co-

occurring mental health or substance use disorders and chronic or complex physical health issues.

A motion was made and seconded to approve the following amendments: (1) to amend Section 3 to expand the types of Medicaid providers authorized to provide targeted case management services to include Levels I and II psychiatric residential treatment facilities for recipients under age twenty-one (21), chemical dependency treatment centers for individuals with a substance use disorder, outpatient hospitals, and psychiatric hospitals; (2) to amend Section 4 to create an exemption to the targeted case manager educational requirements by waiving requirements for anyone who has provided or supervised targeted case management services any time from April 1, 2014 until the effective date of the administrative regulation; (3) to amend Section 8 to: (a) remove the restriction that an individual who provides targeted case management services cannot provide any other services but establishes that the individual cannot provide any other services to the recipient to whom the individual is providing targeted case management services; and (b) establish an overall caseload cap for targeted case managers of twenty-five (25) recipients at one (1) time beginning October 1, 2015; (4) to amend Section 9 to correct citations to federal law; (5) to amend Section 10 to clarify that: (a) the timeframe for providing requested information to the department or a managed care organization shall be reasonable given the nature of the request and the circumstances surrounding the request and shall be a minimum of one (1) business day; and (b) a targeted case management services provider may request a longer timeframe if necessary; and (6) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 4, 9, and 10 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 15:055 & E. Reimbursement provisions and requirements regarding targeted case management for individuals with co-occurring mental health or substance use disorders and chronic or complex physical health issues.

A motion was made and seconded to approve the following amendments: to amend the TITLE and NECESSITY, FUNCTION, AND CONFORMITY paragraph to use terminology that is similar to the provisions of the administrative regulation. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 15:060 & E. Coverage provisions and requirements regarding targeted case management for individuals with a severe mental illness and children with a severe emotional disability.

A motion was made and seconded to approve the following amendments: (1) to amend Section 3 to expand the types of Medicaid providers authorized to provide targeted case management services to include Levels I and II psychiatric residential treatment facilities for recipients under age twenty-one (21), chemical dependency treatment centers for individuals with a substance use disorder, outpatient hospitals, and psychiatric hospitals; (2) to amend Section 4 to create an exemption to the targeted case manager educational requirements by waiving requirements for anyone who has provided or supervised targeted case management services any time from April 1, 2014 until the effective date of the administrative regulation; (3) to amend Section 8 to: (a) remove the restriction that an individual who provides targeted case management services cannot provide any other services but establishes that the individual cannot provide any other services to the recipient to whom the individual is providing targeted case management services; and (b) establish an overall caseload cap for targeted case managers of twenty-five recipients at one time beginning October 1, 2015; (4) to amend Section 9 to correct citations to federal law; (5) to amend Section 10 to clarify that: (a) the timeframe for providing requested information to the department or a managed care organization shall be reasonable given the nature of the request and the circumstances surrounding the request and shall be a minimum of one (1) business day; and (b) a targeted case management services provider may request a longer timeframe if necessary; and (6) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2, 4, 6,

9, and 10 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 15:065 & E. Reimbursement provisions and requirements regarding targeted case management for individuals with a severe mental illness and children with a severe emotional disability.

Department for Aging and Independent Living: Division of Quality Living: Brain Injury

910 KAR 3:030. Traumatic brain injury trust fund operations program. Phyllis Sosa, staff assistant, and Tonia Wells, fund director, represented the cabinet.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to specify a definition; (2) to amend Section 10 to correct an inadvertent error and for consistency; (3) to amend Section 14 to clarify that a recipient discharge from the fund program shall be required if both the recipient and the provider have had a substantiation of fraud related to the program, rather than a recipient discharge if only the provider has had a substantiation of fraud; and (4) to amend the RELATES TO paragraph and Sections 4, 7, 13, and 14 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department for Income Support: Child Support Enforcement: Family Support

921 KAR 1:410. Child support collection and distribution. Mary Sparrow, policy analyst, and Steve Veno, commissioner, represented the cabinet.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to update citations; (2) to amend Sections 4 and 5 to correct form names and edition dates; and (3) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 1 through 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department for Community Based Services: Division of Family Support: Supplemental Nutrition Assistance Program

921 KAR 3:030. Application process. Elizabeth Caywood, policy analyst, and Jason Dunn, director, represented the cabinet.

In response to a question by Co-Chair Harris, Mr. Dunn stated that this administrative regulation included voter provisions as part of the federal Motor Voter Act.

Division of Child Care: Day Care

922 KAR 2:160 & E. Child Care Assistance Program. Elizabeth Caywood, policy analyst; Mary Beth Jackson, division director; and Beth Jurek, executive director, represented the cabinet.

In response to questions by Co-Chair Harris, Ms. Jurek stated that there were 2,000 licensed childcare centers. One (1) or two (2) percent of those centers experienced a change of ownership transfer each year. A new owner had six (6) months before a STAR rating was given; however, it was necessary to provide some exceptions. A parent may request an exemption of the six (6) month waiting period so that the center may retain funding until the new STAR rating is established. The cabinet may reconsider the exemption if there were problems with the center after the transfer. Funding was provided to the center, not the recipient. Funding was based on 2011 federal poverty guidelines. Revising to the 2014 federal poverty guidelines would not result in helping more families because the funding itself was finite and was based on the 2011 federal poverty guidelines. Revising to the 2014 federal poverty guidelines would result in the need to reduce funding, which would mean the same number of families would receive assistance. The cabinet was considering changing the economic standards to a fixed amount that was not based directly on federal poverty guidelines in order to alleviate misunderstandings pertaining to the year of the federal poverty guideline standard.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to correct a citation; (2) to amend Sections 1 and 13 to make technical corrections; and (3) to amend Sections 3, 12, and 20 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Other Business: Co-Chairs Harris and Marzian stated that the date of the March 2015 meeting would be set for either Monday, March 9, or Tuesday, March 10. The date and time would depend on the General Assembly's schedule for the Regular Session. The co-chairs' preference was to meet on Monday, March 9, at a time convenient for all members given that day's session schedule and other committee meetings. Subcommittee staff will discuss the meeting time with Senate and House leadership and Subcommittee members and will announce the scheduled date as soon as it is known.

The following administrative regulations were deferred to the March 2015, meeting of the Subcommittee:

GENERAL GOVERNMENT CABINET: Board of Licensure for Occupational Therapy: Board

201 KAR 28:010. Definitions and abbreviations.

201 KAR 28:020. General provisions.

201 KAR 28:030. Short-term practice of occupational therapy for persons practicing under KRS 319A.090(1)(e).

201 KAR 28:060. Requirements for licensure.

201 KAR 28:070. Examination.

201 KAR 28:090. Renewals.

201 KAR 28:110. Fees.

201 KAR 28:130. Supervision of occupational therapy assistants, occupational therapy aides, occupational therapy students, and temporary permit holders.

201 KAR 28:140. Code of ethics and unprofessional conduct.

201 KAR 28:170. Deep physical agent modalities.

201 KAR 28:180. Temporary permits.

201 KAR 28:200. Continuing competence.

201 KAR 28:220. Per diem of board members.

TRANSPORTATION CABINET: Office of the Secretary: Kentucky Bicycle and Bikeways Commission: Motorcycle and Bicycle Safety

601 KAR 14:020. Bicycle safety standards.

Department of Highways: Division of Maintenance: Billboards

603 KAR 10:001. Definitions.

603 KAR 10:010. Static advertising devices.

603 KAR 10:020. Electronic advertising devices.

603 KAR 10:030. Removal of vegetation related to advertising devices.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Board of Education: Department of Education: Instructional Programs

705 KAR 4:250. Energy technology engineering career pathway.

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**CABINET FOR HEALTH AND FAMILY SERVICES: Department
for Medicaid Services: Division of Policy and Operations:
Hospital Service Coverage and Reimbursement**

907 KAR 10:825. Diagnosis-related group (DRG) inpatient
hospital reimbursement.

The Subcommittee adjourned at 3:10 p.m. until March 2015.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(9), the following reports were forwarded to the Legislative Research Commission by the appropriate jurisdictional committees and are hereby printed in the Administrative Register. The administrative regulations listed in each report became effective upon adjournment of the committee meeting at which they were considered.

HOUSE STANDING COMMITTEE ON HEALTH AND WELFARE
Meeting of February 5, 2015

The following administrative regulations were available for consideration and placed on the agenda of the House Standing Committee on Health and Welfare for its meeting of February 5, 2015, having been referred to the Committee on January 7, 2015, pursuant to KRS 13A.290(6):

900 KAR 6:060
900 KAR 6:065
900 KAR 10:030
901 KAR 5:025
902 KAR 21:010
902 KAR 100:010
902 KAR 100:019
902 KAR 100:042
902 KAR 100:058
902 KAR 100:070
902 KAR 100:072
902 KAR 100:100
902 KAR 100:142
911 KAR 1:085
922 KAR 1:360
922 KAR 5:070 & E
922 KAR 5:120 & E

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the February 5, 2015 meeting, which are hereby incorporated by reference.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates

I - 2

The Locator Index lists all administrative regulations published in VOLUME 41 of the *Administrative Register of Kentucky* from July 2014 through June 2015. 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 40 are those administrative regulations that were originally published in VOLUME 40 (last year's) issues of the *Administrative Register of Kentucky* but had not yet gone into effect when the 2014 *Kentucky Administrative Regulations Service* was published.

KRS Index

I - 13

The KRS Index is a cross-reference of statutes to which administrative regulations relate. These statute numbers are derived from the RELATES TO line of each administrative regulation submitted for publication in VOLUME 41 of the *Administrative Register of Kentucky*.

Technical Amendment Index

I - 23

The Technical Amendment Index is a list of administrative regulations which have had technical, nonsubstantive amendments entered since being published in the 2014 *Kentucky Administrative Regulations Service*. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10), 13A.312(2), or 13A.320(1)(d). Since these changes were not substantive in nature, administrative regulations appearing in this index will NOT be published in the *Administrative Register of Kentucky*.

Subject Index

I - 24

The Subject Index is a general index of administrative regulations published in VOLUME 41 of the *Administrative Register of Kentucky*, and is mainly broken down by agency.

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	40 Ky.R. Page No.	Effective Date	Regulation Number	40 Ky.R. Page No.	Effective Date
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VOLUME 40

The administrative regulations listed under VOLUME 40 are those administrative regulations that were originally published in Volume 40 (last year's) issues of the *Administrative Register of Kentucky* but had not yet gone into effect when the *2014 Kentucky Administrative Regulations Service* was published.

SYMBOL KEY:

- * Statement of Consideration not filed by deadline
- ** Withdrawn before being printed in Register
- **** Emergency expired after 180 days
- ‡ Withdrawn deferred more than twelve months (KRS 13A.300(4) and 13A.315(1)(d))
- (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.

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.)

30 KAR 6:010E	2401	3-24-14
Replaced		See 41 Ky.R.
907 KAR 1:019E	1573	12-30-13
Replaced	2703	7-7-14
907 KAR 1:030E	1581	12-26-13
Replaced	2709	7-7-14
907 KAR 1:038E	1585	12-26-13
Replaced	2712	7-7-14
907 KAR 1:039E	1591	12-26-13
Replaced	2716	7-7-14
907 KAR 1:044E	1595	12-30-13
Replaced	2718	7-7-14
907 KAR 1:045E	1600	12-30-13
Replaced	2721	7-7-14
907 KAR 1:054E	1603	12-30-13
Replaced	2722	7-7-14
907 KAR 1:082E	1617	12-30-13
Replaced	2736	7-7-14
907 KAR 1:604E	1631	12-26-13
Replaced	2749	7-7-14
907 KAR 1:631E	1638	12-26-13
Replaced	2755	7-7-14
907 KAR 1:632E	1642	12-26-13
Replaced	2757	7-7-14
907 KAR 1:913E(r)	1646	12-26-13
Expired		6-24-14
907 KAR 3:005E	1648	12-26-13
Replaced	2759	7-7-14
907 KAR 8:005E	1655	12-26-13
Replaced	2765	7-7-14
907 KAR 8:010E	1657	
Reprinted	2095	12-26-13
Replaced	2765	7-7-14
907 KAR 8:015E	1660	12-26-13
Replaced	2766	7-7-14
907 KAR 8:020E	1662	12-26-13
Replaced	2767	7-7-14
907 KAR 8:025E	1665	12-26-13
Replaced	2768	7-7-14
907 KAR 8:030E	1668	12-26-13
Replaced	2769	7-7-14
907 KAR 8:035E	1671	12-26-13
Replaced	2770	7-7-14
907 KAR 10:014E	1673	12-26-13
Replaced	2771	7-7-14
907 KAR 12:020E	2109	2-6-14
Withdrawn		7-8-14
907 KAR 13:005E	1677	12-26-13
Replaced	2776	7-7-14
907 KAR 13:010E	1680	12-26-13
Replaced	2776	7-7-14

907 KAR 13:015E	1683	12-26-13
Replaced	2777	7-7-14
907 KAR 15:005E	1686	12-30-13
Replaced	2778	7-7-14
907 KAR 15:010E	1688	
Reprinted	2098	12-30-13
Replaced	2779	7-7-14
907 KAR 15:015E	1691	12-30-13
Replaced	2788	7-7-14
907 KAR 18:001E	2404	3-24-14
Replaced		See 41 Ky.R.
907 KAR 18:005E	2405	3-24-14
Replaced		See 41 Ky.R.
908 KAR 2:240E	2112	2-6-14
Replaced	2793	6-18-14
908 KAR 2:250E	2115	2-6-14
Replaced	2795	6-18-14

ORDINARY ADMINISTRATIVE REGULATIONS:

16 KAR 2:010		
Amended	2584	See 41 Ky.R.
16 KAR 4:060		
Amended	2581	See 41 Ky.R.
30 KAR 6:010	2646	See 41 Ky.R.
102 KAR 1:270		
Amended	2320	
As Amended	2675	7-7-14
102 KAR 1:320		
Amended	2321	
As Amended	2675	7-7-14
103 KAR 43:330		
Amended	2589	See 41 Ky.R.
109 KAR 15:020		
Amended	2194	
As Amended	2411	
As Amended	2678	6-25-14
201 KAR 3:025		
Amended	2325	7-7-14
201 KAR 3:090		
Amended	2326	
As Amended	2678	7-7-14
201 KAR 8:016	2385	
As Amended	2679	See 41 Ky.R.
201 KAR 8:532		
Amended	2328	
As Amended	2680	6-18-14
201 KAR 8:550		
Amended	2332	See 41 Ky.R.
201 KAR 8:562		
Amended	2338	
As Amended	2683	6-18-14
201 KAR 8:571		
Amended	2343	See 41 Ky.R.
201 KAR 9:300		
Repealed	2648	8-1-14
201 KAR 9:301(r)	2648	8-1-14
201 KAR 9:305		
Amended	2591	See 41 Ky.R.
201 KAR 9:307		
Amended	2592	See 41 Ky.R.
201 KAR 11:011		
Amended	2810	See 41 Ky.R.
201 KAR 11:105		
Amended	2811	See 41 Ky.R.
201 KAR 11:121		
Amended	2812	See 41 Ky.R.

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	40 Ky.R. Page No.	Effective Date	Regulation Number	40 Ky.R. Page No.	Effective Date
201 KAR 14:085			603 KAR 10:030	2027	
Amended	1863	See 41 Ky.R.	Amended	2478	
201 KAR 14:090			702 KAR 7:065		
Amended	2195		Amended	2618	See 41 Ky.R.
As Amended	2686	7-7-14	704 KAR 3:345		
201 KAR 14:115			Repealed	2925	8-11-14
Amended	1866		704 KAR 3:346(r)	2925	8-11-14
As Amended	2688	7-7-14	704 KAR 3:370	2651	See 41 Ky.R.
201 KAR 18:192			739 KAR 2:090	2231	
Amended	2593	See 41 Ky.R.	Amended	2798	See 41 Ky.R.
201 KAR 20:056			803 KAR 2:300		
Amended	2596	See 41 Ky.R.	Amended	2823	9-5-14
201 KAR 20:057			803 KAR 2:306		
Amended	2599	See 41 Ky.R.	Amended	2825	9-5-14
201 KAR 20:161			803 KAR 2:308		
Amended	2602	See 41 Ky.R.	Amended	2828	9-5-14
201 KAR 20:360			803 KAR 2:309		
Amended	2346	See 41 Ky.R.	Amended	2830	9-5-14
201 KAR 20:370			803 KAR 2:314		
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* Statement of Consideration not filed by deadline			907 KAR 15:070E	727	8-20-14
** Withdrawn before being printed in Register			907 KAR 15:075E	732	8-20-14
**** Emergency expired after 180 days			907 KAR 18:001E		See 40 Ky.R.
(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.			Replaced	44	8-1-14
			907 KAR 18:005E		See 40 Ky.R.
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			908 KAR 2:220E	1766	1-7-15
			908 KAR 2:230E	1770	1-7-15
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31 KAR 4:140E	372	7-22-14	Amended	1124	
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101 KAR 2:210E	717	9-15-14	As Amended	1494	2-6-15
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103 KAR 3:040E	1742	12-31-14	As Amended	1496	2-6-15
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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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The Technical Amendment Index is a list of administrative regulations which have had technical, nonsubstantive amendments entered since being published in the 2014 *Kentucky Administrative Regulations Service*. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10), 13A.312(2), or 13A.320(1)(d). Since these changes were not substantive in nature, administrative regulations appearing in this index will NOT be published in the *Administrative Register of Kentucky*. NOTE: Finalized 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>.

‡ - Pursuant to KRS 13A.320(e), this indicates a technical change was made to this administrative regulation during the promulgation process.

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