VOLUME 45, NUMBER 12 LEGISLATIVE RESEARCH COMMISSION JUNE 1, 2019

ADMINISTRATIVE REGISTER OF KENTUCKY

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon, May 15, 2019.

MEETING NOTICES

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet on June 11, 2019, at 1:00 p.m. in room 149 Capitol Annex.

ARRS Tentative Agenda - 3377 (Updated as needed online)

INDEXES & OTHER INFORMATION

Regulation Review Procedure 3382
ARRS Report 3603
Other Committee Reports ..... NONE
Locator Index - Effective Dates ..... L – 2
KRS Index ..... L – 25
Certifications ..... L – 46
Technical Amendments ..... L – 63
Subject Index ..... L – 64

EMERGENCIES

Registry of Election Finance
009 KAR 001:010E. Statement of financial disclosure. ... 3382
009 KAR 001:040E. Executive agency lobbyist, employer or executive agency lobbyist, and real party in interest registration and expenditure statements; financial transactions and termination forms; and enforcement. ... 3383

AS AMENDED

Education Professional Standards Board
016 KAR 003:011. Repeal of 016 KAR 003:010, 016 KAR 003:020, 016 KAR 003:040, and 016 KAR 003:050 ... 3387
016 KAR 003:090. Certifications for advanced educational leaders ... 3387
Personnel Cabinet, Classified
101 KAR 002:034. Classified compensation administrative regulations ... 3390
Personnel Cabinet, Unclassified
101 KAR 003:045. Compensation plan and pay incentives for unclassified service ... 3394
Teachers' Retirement System; General Rules
102 KAR 001:060. Refunds ... 3398
State Board of Accountancy
201 KAR 001:290. Standards of Practice ... 3399
201 KAR 001:300. Rules of professional conduct. ... 3401
201 KAR 001:310. Expungement of minor violation ... 3403
Board of Medical Imaging and Radiation Therapy
201 KAR 046:010. Definitions for 201 KAR Chapter 046 .. 3403
Board of Emergency Medical Services
202 KAR 007:520. Allocation of block grant funding assistance for emergency medical services ... 3405
202 KAR 007:575. Posting of fee schedules of licensed ambulance providers ... 3409
Board of Education: Office of Instruction
704 KAR 003:303. Required Academic Standards. ... 3410
Academic Standards
704 KAR 008:060. Required Academic Standards for Social Studies. ... 3410
Department for Natural Resources: Mining Safety Standards
805 KAR 003:100. Equipment use and operation ... 3410
Department of Insurance: Surplus Lines
806 KAR 010:030. Surplus lines reporting and tax payment structure. ... 3411
Office of Inspector General
907 KAR 005:005. Health Insurance Premium Payment (HIPP) Program ... 3412

AMENDED AFTER COMMENTS

Office of Inspector General: Health Services and Facilities
902 KAR 020:111. Medically managed intensive inpatient withdrawal management ... 3416
Department of Medicaid Services
907 KAR 001:022. Nursing facility services and intermediate care facility for individuals with an intellectual disability ... 3419
Office for Children with Special Health Care Needs: Aging Services
911 KAR 001:010. Application to clinical programs ... 3425
911 KAR 001:020. Billing and fees ... 3430
911 KAR 001:060. Office for children with special health care needs medical staff ... 3434

PROPOSED AMENDMENTS

Executive Branch Ethics Commission
009 KAR 001:010 Statement of financial disclosure ... 3439
009 KAR 001:040 Executive agency lobbyist, employer or executive agency lobbyist, and real party in interest registration and expenditure statements; financial transactions and termination forms; and enforcement ... 3440

Personnel Cabinet, Classified
101 KAR 002:180. Employee performance evaluation system 3443
Department of Revenue: Income Tax; General Administration
103 KAR 015:050. Filing dates and extensions 3445
Board of Pharmacy
201 KAR 002:010. Schools approved by the board 3447
201 KAR 002:090. Reference material and prescription equipment..... 3449
201 KAR 002:095. Pharmacist interns..... 3450
201 KAR 002:100. Security and control of drugs and prescriptions 3451
201 KAR 002:116. Substitution of drugs, biologics and biosimilar products 3453
201 KAR 002:165. Transfer of prescription information . 3454
201 KAR 002:225. Special limited pharmacy permit – medical gas..... 3456
201 KAR 002:240. Special limited pharmacy permit – charitable 3458
201 KAR 002:270. Expungement 3460
201 KAR 002:310. Compounding for a veterinarian's office or institutional administration for veterinary use 3461
201 KAR 002:340. Special limited pharmacy permit – clinical practice..... 3462
Board of Licensure for Long-Term Care Administrators
201 KAR 006:030. Temporary permits 3464
201 KAR 006:040. Renewal, reinstatement, and reactivation of license..... 3466
Board of Nursing
201 KAR 020:370. Applications for licensure..... 3469
201 KAR 020:506. Nurse licensure compact 3471
Board of Podiatry
201 KAR 025:090. Prescribing and dispensing controlled substances 3472
Board of Private Investigators
201 KAR 041:020. Application for licensure..... 3475
201 KAR 041:030. Examination..... 3477
201 KAR 041:040. Fees 3478
201 KAR 041:060. Renewal and reinstatement procedures..... 3480
201 KAR 041:065. Inactive status 3482
201 KAR 041:070. Continuing professional education requirements..... 3483
201 KAR 041:080. Compliant procedure 3486
Board of Emergency Medical Services
202 KAR 007:560. Ground vehicle staff..... 3489
Department of Fish and Wildlife Resources: Game
301 KAR 002:221. Waterfowl seasons and limits 3491
301 KAR 002:222. Waterfowl hunting requirements on public land..... 3493
300 KAR 002:300. Black bear seasons and requirements..... 3498
Department of Agriculture: Amusement Rides
302 KAR 016:010. Business identification number required 3502
302 KAR 016:020. Inspection and operation of amusement rides or amusement attractions 3503
302 KAR 016:040. Correction of safety violations and right to re-inspection..... 3504
302 KAR 016:070. Reports of injuries involving amusement rides and amusement attractions 3506
302 KAR 016:091. Rides and attractions not included in the definition of amusement ride or attraction..... 3507
302 KAR 016:101. Operate amusement ride or device defined..... 3509
302 KAR 016:111. Violations, civil penalties, revocations, and suspensions of business identification number 3510
302 KAR 016:121. Inflatable rides or attractions..... 3511
302 KAR 016:131. Maintenance and repair of amusement ride or attractions 3513
Department for Environmental Protection
Water Quality
401 KAR 005:010. Operation of wastewater systems by certified operators 3514
Water Quality Certification
401 KAR 008:030. Water treatment plant and water distribution system classification and staffing..... 3516
401 KAR 008:050. Drinking water program fees 3519
Certified Operators
401 KAR 011:001. Definitions for 401 KAR Chapter 011 3522
401 KAR 011:030. Wastewater treatment and collection system operators; classification and qualifications..... 3524
401 KAR 011:040. Water treatment and distribution system operators; classification and qualifications..... 3527
401 KAR 011:050. Operator and training provider certification 3531
401 KAR 011:060. Operator and training provider certification fees..... 3535
Department for Natural Resources: Mining Safety Standards
805 KAR 003:110. Employees' personal protection..... 3538
Department of Insurance: Agents, Consultants, Solicitors, and Adjustors
806 KAR 009:030. Adjuster licensing restrictions 3539
806 KAR 009:110. Agent's rights after contract termination..... 3541
806 KAR 009:190. Disclosure requirements for financial institutions authorized to engage in insurance agency activities 3542
806 KAR 009:200. Volume of insurance agent exchange of business..... 3543
806 KAR 009:350. Recognition of financial planning certification and designation for receipt of fees and commissions..... 3545
Real Estate Authority: Kentucky Board of Auctioneers
831 KAR 001:010. Licensing fees and applications..... 3546
831 KAR 001:020. Standards of conduct and complaints 3549
831 KAR 001:030. Education requirements 3551
Department for Public Health
Maternal and Child Health
902 KAR 004:030. Newborn screening program 3553
902 KAR 004:035. Cost reimbursement for specialized food products 3557
Public Accommodations
902 KAR 007:010. Hotel and motel code 3560
State and Local Confinement Facilities
902 KAR 009:010. Environmental health 3564
Food and Cosmetics
902 KAR 045:110. Permits and fees for retail food establishments, food manufacturing plants, food storage warehouses, salvage processors and distributors, vending machine companies, restricted food concessions, and cosmetic manufacturers 3568
902 KAR 045:120. Inspection and permit fees for recreational vehicle communities, youth camps, and private water supplies. 3571
Department for Aging and Independent Living
910 KAR 002:040. Service provisions for adult guardianship. 3573
Department for Income Support: Family Support
921 KAR 001:380. Child support enforcement program application and intergovernmental process..... 3583

Department for Community Based Services: Child Welfare
922 KAR 001:470. Central registry 3587
922 KAR 001:510. Authorization for disclosure of protection and permanency records . 3589

NEW ADMINISTRATIVE REGULATION

Personnel Cabinet, Classified
101 KAR 002:190. Employee performance management system..... 3592
Department of Revenue
Income Tax; General Administration
103 KAR 015:061. Repeal of 103 KAR 015:060 3594
Income Tax; Individual
103 KAR 017:121. Repeal of 103 KAR 017:120 3595
Office of Financial Management: State Investment Commission
200 KAR 014:201. Repeal of 200 KAR 014:200 3596
Board of Podiatry
201 KAR 025:062. Repeal of 201 KAR 025:0610 3597
Department of Agriculture: Regulation & Inspection
Tobacco Sales
302 KAR 078:021. Repeal of 302 KAR 078:020 3598
Animal Control Officers
302 KAR 101:010. Training requirements for Kentucky Animal Control Officers 3599
Department of Insurance
Agents, Consultants, Solicitors, and Adjustors
806 KAR 009:341. Repeal of 806 KAR 009:341 3600
Life Insurance and Annuity Contracts
806 KAR 015:081. Repeal of 806 KAR 015:080 3601

VOLUME 45, NUMBER 12– JUNE 1, 2019

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 2018 Edition of the **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE**.

HOW TO CITE: Cite all material in the **ADMINISTRATIVE REGISTER OF KENTUCKY** by Volume number and Page number. Example: Volume 45, Kentucky Register, page 318 (short form: 45 Ky.R. 318).

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

ADMINISTRATIVE REGISTER OF KENTUCKY
(ISSN 0096-1493)
© 2019 Legislative Research Commission, All Rights Reserved

The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, 700 Capitol Avenue, Room 300, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: $120 (plus 6% Kentucky sales tax) per year for 12 issues, beginning in July and ending with the June issue of the subsequent year. Periodical postage paid at Frankfort, Kentucky.
POSTMASTER: Send address changes to Administrative Register of Kentucky, 700 Capitol Avenue, Room 64, State Capitol, Frankfort, Kentucky 40601.

KENTUCKY LEGISLATIVE RESEARCH COMMISSION

Chairmen

Senator Robert Stivers
Senate President

Representative David W. Osborne
Speaker of the House

Senate and House Members

Senator David Givens
President Pro Tempore

Senator Damon Thayer
Majority Floor Leader

Senator Morgan McGarvey
Minority Floor Leader

Senator Julie Raque Adams
Majority Caucus Chair

Senator Johnny Ray Turner
Minority Caucus Chair

Senator Mike Wilson
Majority Whip

Senator Dennis Parrett
Minority Whip

Representative David Meade
Speaker Pro Tempore

Representative John Bam Carney
Majority Floor Leader

Representative Rocky Adkins
Minority Floor Leader

Representative Suzanne Miles
Majority Caucus Chair

Representative Derrick Graham
Minority Caucus Chair

Representative Chad McCoy
Majority Whip

Representative Joni L. Jenkins
Minority Whip

Becky Harilson and David Floyd, Interim Directors
Joe Cox, Printing and Publications Officer

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Members
Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
Senator Julie Raque Adams
Senator Perry B. Clark
Senator Alice Kerr
Representative Deanna Frazier
Representative Mary Lou Marzian
Representative Tommy Turner

Staff
Sarah Amburgey
Stacy Auterson
Emily Caudill
Betsy Cupp
Ange Darnell
Emily Harkenrider
Karen Howard
Carrie Klaber

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA, June 11, 2019, at 1:00 p.m., Room 149 Capitol Annex

The following agenda may not take into consideration all of the administrative regulations that may be deferred by promulgating agencies. Deferrals may be made any time prior to or during the meeting. Scan the QR Code below to access updates.

Administrative Regulation Review Subcommittee
TENTATIVE Meeting Agenda
Tuesday, June 11, 2019, 1:00 PM
Annex Room 149

1. Call to Order and Roll Call

2. Regulations for Committee Review

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student and Administrative Services
KHEAA Grant Programs
011 KAR 005:145. CAP grant award determination procedure.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Education Professional Standards Board
Advanced Certification and Rank
016 KAR 008:030. Continuing education option for rank change.

STATE BOARD OF ELECTIONS
Forms and Procedures
031 KAR 004:120. Additional and emergency precinct officers. (Not Amended After Comments) (Deferred from April)

FINANCE AND ADMINISTRATION CABINET
Department for Facilities and Support Services
State-Owned Buildings and Grounds
200 KAR 003:020 & E. Use of State-Owned facilities and grounds. ("E" expires 08-03-2019) (Amended After Comments) (Deferred from May)

BOARDS AND COMMISSIONS
Board of Ophthalmic Dispensers
201 KAR 013:040. Licensing.
201 KAR 013:050. Apprentices.
201 KAR 013:055. Continuing education requirements.
201 KAR 013:060. Military service; reciprocity; endorsement.

Board of Physical Therapy
201 KAR 022:135. Fees.

Board of Social Work
201 KAR 023:150. Complaint procedure, disciplinary action, and reconsideration. (Deferred from December)

KENTUCKY LOTTERY CORPORATION
202 KAR 003:010. Code of ethics.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
Game
301 KAR 002:030. Commercial guide license.

JUSTICE AND PUBLIC SAFETY CABINET
Asset Forfeiture
500 KAR 009:011. Repeal of 500 KAR 009:010, 500 KAR 009:020, 500 KAR 009:030, and 500 KAR 009:040.
Motorcycle Safety Education Commission
500 KAR 015:010 & E. Motorcycle safety education program. ("E" expires 10-02-2019)

LABOR CABINET
Department of Workers' Claims
803 KAR 025:270 & E. Pharmaceutical formulary. ("E" expires 06-25-2019) (Amended After Comments) (Deferred from April)

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
Retail Premises
804 KAR 007:020. Alcoholic beverage inventory during prohibited alcoholic beverage sales period.
804 KAR 007:031. Repeal of 804 KAR 007:030.

Department of Insurance
Agents, Consultants, Solicitors, and Adjustors
806 KAR 009:001. Prelicensing courses of study.
806 KAR 009:020. False or deceptive names, titles, prohibited.
806 KAR 009:061. Repeal of 806 KAR 009:060.
806 KAR 009:070. Examinations.
806 KAR 009:310. Life settlement licenses.
806 KAR 009:321. Repeal of 806 KAR 009:320.
Surplus Lines
806 KAR 010:051. Repeal of 806 KAR 010:050.
806 KAR 047:021. Repeal of 806 KAR 047:020 and 806 KAR 047:030. (Deferred from May)

ENERGY AND ENVIRONMENT CABINET
Public Service Commission
Utilities
807 KAR 005:056. Fuel adjustment clause.

LABOR CABINET
Department of Financial Institutions
Administration
808 KAR 001:180. Use of special restricted funds. (Deferred from February)

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Building Code Enforcement
815 KAR 007:120. Kentucky Building Code.
815 KAR 007:125. Kentucky Residential Code.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Epidemiology and Health Planning
902 KAR 002:070. Rabies control.

Division of Public Health Protection and Safety
Mobile Homes and Recreational Vehicles Parks; Facilities Standards
902 KAR 015:010. Manufactured and mobile homes.

Office of Inspector General
Division of Healthcare
Health Services and Facilities
902 KAR 020:036. Operation and services; personal care homes.
902 KAR 020:111. Medically managed intensive inpatient withdrawal management. (Amended After Comments)
Food and Cosmetics
902 KAR 045:065. Tattooing.
902 KAR 045:070. Body piercing and ear piercing.
902 KAR 045:075. Tanning facilities.
Milk and Milk Products
902 KAR 050:101. Repeal of 902 KAR 050:100.
902 KAR 050:110. Grade A milk and milk products standards and Grade A milk sanitation requirements.

Department of Medicaid Services
Division of Policy and Operations
Medicaid Services
907 KAR 001:022. Nursing facility services and intermediate care facility for individuals with an intellectual disability. (Amended After Comments)
907 KAR 001:330. Hospice services. (Deferred from April)
907 KAR 001:340. Reimbursement for hospice services. (Deferred from April)
907 KAR 001:441. Repeal of 907 KAR 001:436. (Deferred from April)
907 KAR 001:604 & E. Recipient cost-sharing. ("E" expires 09-11-2019)
907 KAR 001:755. Preadmission Screening and Resident Review Program. (Not Amended After Comments)

Department for Behavioral Health, Developmental and Intellectual Disabilities
Division of Behavioral Health
Substance Abuse
908 KAR 001:341. Repeal of 908 KAR 001:340. (Deferred from March)
908 KAR 001:370. Licensing procedures, fees, and general requirements for nonhospital-based alcohol and other drug treatment entities. (Amended After Comments) (Deferred from May)

908 KAR 001:372. Licensure of residential alcohol and other drug treatment entities. (Amended After Comments) (Deferred from May)
908 KAR 001:374. Licensure of nonhospital-based outpatient alcohol and other drug treatment entities. (Amended After Comments) (Deferred from May)

Department for Aging and Independent Living
Division of Guardianship
Guardianship
910 KAR 002:020. Referral process for adult guardianship.

Office for Children with Special Health Care Needs
Aging Services
911 KAR 001:010. Application to clinical programs. (Amended After Comments)
911 KAR 001:020. Billing and fees. (Amended After Comments)
911 KAR 001:060. Office for children with special health care needs medical staff. (Amended After Comments)
911 KAR 001:071. Repeal of 911 KAR 001:070 and 911 KAR 001:080. (Deferred from April)

Department for Community Based Services
Division of Protection and Permanency
Family Support
922 KAR 001:310 & E. Standards for child-placing agencies. ("E" expires 09-28-2019)
922 KAR 001:350 & E. Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers. ("E" expires 09-28-2019)
922 KAR 001:495 & E. Training requirements for foster parents, adoptive parents, and respite care providers for children in the custody of the cabinet. ("E" expires 09-28-2019)

3. Regulations REMOVED from June's agenda

BOARDS AND COMMISSIONS

Board of Dentistry
201 KAR 008:581. Charity dental practices. (Comments Received; SOC due 06-14-2019)

Board of Chiropractic Examiners
~~201 KAR 021:041. Licensing; standards; fees.~~ (Withdrawn by Agency, 5-7-2019)
~~201 KAR 021:042. Standards, application, and approval of continuing education.~~ (Withdrawn by Agency, 5-7-2019)

ENERGY AND ENVIRONMENT CABINET
Department for Natural Resources
Division of Mine Permits
Bond and Insurance Requirements
405 KAR 010: 001. Definitions for 405 KAR Chapter 010. (Comments Received; SOC ext., due 06-14-2019)
405 KAR 010:015. General bonding provisions. (Comments Received; SOC ext., due 06-14-2019)

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Driver Licensing
601 KAR 002:030 & E. Ignition interlock. ("E" expires 08-07-2019) (Not Amended After Comments) (Deferred from May)

PUBLIC PROTECTION CABINET
Department of Insurance
Insurance Fraud
806 KAR 047:010. Fraud prevention. (Comments Received; SOC ext., due 06-14-2019)

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, mailing address, e-mail 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 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
9 KAR 1:010E

Nature of the emergency: This emergency administrative regulation is one that must be placed into effect immediately in order to meet the requirements of SB 6, which amends KRS 11A.050 that establishes the requirements for the Statements of Financial Disclosure filed by the Constitutional Officers and major management within the Executive Branch. The amendment to the administrative regulation involves the procedures for filing a Statement of Financial Disclosure and includes changes to the Statement of Financial Disclosure form required by SB 6. SB 6 will become effective on June 27, 2019. The reasons why an ordinary administrative regulation is not sufficient: An ordinary administrative regulation is not sufficient because it will not be in effect by the time the new amendments to KRS 11A.050 become effective on June 27, 2019. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler. The ordinary administrative regulation is identical to this emergency administrative regulation.

HON. MATTHEW BEVIN, Governor
HON. CHRISTOPHER L. THACKER, Chair

FINANCE AND ADMINISTRATION CABINET
Executive Branch Ethics Commission
(Emergency Amendment)

9 KAR 1:010E. Statement of financial disclosure.

RELATES TO: KRS 11A.010(7), (9), (13), 11A.050(2), (3)
STATUTORY AUTHORITY: KRS 11A.050(2), 11A.110(3), (4)
EFFECTIVE: May 15, 2019
NECESSITY, FUNCTION, AND CONFORMITY: KRS 11A.110(3) and (4) require the Executive Branch Ethics Commission to promulgate administrative regulations to implement KRS Chapter 11A and to prescribe forms for statements required by this chapter. KRS 11A.050(2) requires the commission to prescribe the form for the statement of financial disclosure. This administrative regulation prescribes the form and incorporates it by reference.

Section 1. Definitions. (1) "Address or location" means a street address or an address assigned to a location by the U.S. postal service, 911 service, or local government. If such an address is not available, then "address or location" means a description of the property so as to easily identify the location, global positioning system coordinates, or the location as described on the deed for the property.
(2) Business is defined by KRS 11A.010(1);
(3) "Candidate" is defined by KRS 11A.010(13).
(4)[~~(2)~~] "Commission" is defined by KRS 11A.010(2).
(5) Compensation is defined by KRS 11A.010(3).
(6) "Consumer goods" means any item either tangible or intangible that can be purchased; "consumer goods" do not include purchases of real property or real estate.
(7) "Family" is defined by KRS 11A.010(4).
(8) "Gifts of money or property" means a payment, loan, subscription, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received; "gift" does not include gifts from family members, campaign contributions, the waiver of a registration fee for a presenter at a conference or training described in KRS 45A.097(5), gifts received by a public servant on behalf of his or her agency pursuant to KRS 45A.097, or door prizes that are available to the public.
(9) "Home street address" means the address or location at which the officer resides on a permanent basis;
(10) "Income" is defined by KRS 11A.010(6).
(11)[~~(3)~~] "Officer" is defined by KRS 11A.010(7).
(12)[~~(4)~~] "Public servant" is defined by KRS 11A.010(9).
(13) "Start date" means the first date of employment with a state agency in the executive branch of the Commonwealth.

Section 2. (1) The statement of financial disclosure required of current officers and public servants listed in KRS 11A.010(9)(a) to (g) by KRS 11A.050(1) shall be filed on the statement of financial disclosure form effective at the time of his or her start date or effective at the time that candidate filing forms are filed by a candidate[~~Statement of Financial Disclosure and submitted in person, by U.S. Mail, electronically by facsimile or electronic mail to the commission's offices, or through an online system established by the commission~~].
(2) The statement of financial disclosure required by former officers and former public servants listed in KRS 11A.010(9)(a) to (g) by KRS 11A.050(1) to be filed within thirty (30) days after the date the person no longer serves as an officer or public servant listed in KRS 11A.010(9)(a) to (g) shall be filed on the statement of financial disclosure form effective at the date of departure from state service.
(3) Until June 27, 2019, an officer, public servant listed in KRS 11A.010(9)(a) to (g), or candidate[~~Candidates~~] shall file a statement of financial disclosure on the form Statement of Financial Disclosure (Rev. 11/2016). After June 27, 2019, the statement of financial disclosure required by KRS 11A.050(1) shall be filed on the Statement of Financial Disclosure EBEC-SFD-101[~~and submit it in person, by U.S. Mail, electronically by facsimile or electronic mail to the commission's offices, or through an online system established by the commission~~].

Section 3. Submission. (1) The signature on the statements required by this administrative regulation shall be:
(a) In blue or black ink; or
(b) Electronic.
(2) The statement of financial disclosure shall be filed with the commission as follows:
(a) By hard copy via hand-delivery, U.S. Mail, or other delivery service to the Commission's address;
(b) Electronically by facsimile to (502) 696-5091;
(c) Electronically by electronic mail to ethicsfiler@ky.gov; or
(c) Through an online system established by the commission.
(3) The statement of financial disclosure incorporated by reference may be reproduced.

Section 4[~~3~~]. Incorporation by Reference. (1) The following material is incorporated by reference:
(a) "Statement of Financial Disclosure", rev. 11/2016[~~, is incorporated by reference~~].
(b) "Statement of Financial Disclosure" EBEC-SFD-101 (Rev. 05/2019).
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104[~~#3 Fountain Place~~], Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

CHRISTOPHER L. THACKER, Chair
APPROVED BY AGENCY: MAY 14, 2019
FILED WITH LRC: May 15, 2019 at 10 a.m.
CONTACT PERSON: Kathryn H. Gabhart, Executive Director, Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601, phone (502) 564-7954, fax (502) 695-5939, email Katie.Gabhart@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kathryn H. Gabhart
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation provides guidance to Executive Agency officers as to how to file a Statement of Financial Disclosure with the Executive Branch Ethics Commission as required by KRS 11A.050.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 11A.050.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation provides guidance and forms required by KRS 11A.050.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently provides guidance and the forms required for Executive Agency officers to file a Statement of Financial Disclosure with the Executive Branch Ethics Commission as required by KRS 11A.050.

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

(a) How the amendment will change this existing administrative regulation: This amendment will change the administrative regulation by revising the forms to conform to the requirements of SB 6 of the 2019 General Assembly Session.

(b) The necessity of the amendment to this administrative regulation: This amendment to the administrative regulation is required by SB 6 of the 2019 General Assembly Session.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment to the administrative regulation conforms to the amendment to KRS 11A.050 in SB 6 of the 2019 General Assembly Session.

(d) How the amendment will assist in the effective administration of the statues: This amendment to the administrative regulation will assist in the administration of KRS 11A.050 to conform to the requirements of SB 6 of the 2019 General Assembly Session.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Officials of Executive Branch Agencies and those running for constitutional office.

(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: All executive agency officers and those running for constitutional office will be able to file their Statements of Financial Disclosure in accordance with SB 6.

(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 Executive Branch Officials and those running for constitutional office will have to file the required forms through whatever means they choose under the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no known cost associated with this amended administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All Executive Branch Officers and those running for Constitutional office will have greater ease and access to file their Statements of Financial Disclosure.

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

(a) Initially: There is no known cost associated with this amended administrative regulation.

(b) On a continuing basis: There is no known cost associated with this amended administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Commission's existing 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: This administrative regulation will not require an increase in any fees or funding.

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

(9) TIERING: Is tiering applied? Tiering was not applied because this administrative regulation applies equally to all affected individuals.

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 Executive Branch of state government.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 11A.110(3) and 11A.050.

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 amendment to the administrative regulation will not generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate any revenue? The amendment to the administrative regulation will not generate any revenue.

(c) How much will it cost to administer this program for the first year? $500 for publications and training; funds already included in the Executive Branch Ethics Commission's budget.

(d) How much will it cost to administer this program for subsequent years? $500 for publication and training; funds already included in the Executive Branch Ethics Commission's budget.

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:

STATEMENT OF EMERGENCY
9 KAR 1:040E

Nature of the emergency: This emergency administrative regulation is one that must be placed into effect immediately in order to meet the requirements of SB 6, which governs the procedures for administrative hearings. The amendment to the administrative regulation involves the procedures for filing of lobbyist forms required by KRS 11A.211 and includes changes to the lobbyist forms required by SB 6. SB 6 will become effective on June 27, 2019. The reasons why an ordinary administrative regulation is not sufficient: An ordinary administrative regulation is not sufficient because it will not be in effect by the time the new amendments to KRS 11A.211 become effective on June 27, 2019. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler. The ordinary administrative regulation is identical to this emergency administrative regulation.

HON. MATTHEW BEVIN, Governor
HON. CHRISTOPHER L. THACKER, Chair

FINANCE AND ADMINISTRATION CABINET
Executive Branch Ethics Commission
(Emergency Amendment)

9 KAR 1:040E. Executive agency lobbyist, employer or executive agency lobbyist, and real party in interest registration[~~Registration~~] and expenditure statements; financial transactions and termination forms; and enforcement.

RELATES TO: KRS 11A.201, 11A.211, 11A.216, 11A.221, 11A.231, 11A.233(1), 11A.236, 11A.241(4), (5), (6), 11A.990

STATUTORY AUTHORITY: KRS 11A.110(3), (4), 11A.241(4),

(5)

EFFECTIVE: May 15, 2019

NECESSITY, FUNCTION, AND CONFORMITY: KRS 11A.110(3) requires the Executive Branch Ethics Commission to promulgate administrative regulations to implement and prescribe forms for statements required by KRS Chapter 11A. KRS 11A.241(4) and (5) require the Executive Branch Ethics Commission to prescribe the initial registration statement, the updated registration statement, and the termination notice required by KRS 11A.211, the statement of expenditures required by KRS 11A.216, and the statement of financial transactions required by KRS 11A.221. This administrative regulation establishes the initial registration, financial transactions statements, [~~and~~]expenditure statements, termination notice, and enforcement procedure.

Section 1. Definitions. (1) "Agent" means the "executive agency lobbyist" as defined by KRS 11A.201(8).

(2) "Commission" means the Executive Branch Ethics Commission.

(3)[~~(2)~~] "Employer" is defined by KRS 11A.201(3).

(4)[~~(3)~~] "Executive agency decision" is defined by KRS 11A.201(7).

(5)[~~(4)~~] "Executive agency lobbyist" is defined by KRS 11A.201(8).

(6) "Filer" means the executive agency lobbyist, employer of the executive agency lobbyist, or real party in interest;

(7)[~~(5)~~] "Real party in interest" is defined by KRS 11A.201(15).

Section 2. Initial Registration Statement. (1) Until June 30, 2019, the initial registration statement [~~and fee~~]required by KRS 11A.211(1)[~~11A.211~~] shall be filed on the Initial Registration Statement [~~form~~] (Rev. 4/2016). After June 30, 2019, the initial registration statement required by KRS 11A.211(1) shall be filed on the Initial Registration Statement EBEC-EAL-201.

(2)(a) The brief description of the executive agency decision shall include the subject matter for which an executive agency lobbyist:

1. Has been engaged; or

2. Is responsible.

(b) Subject matters shall include:

1. An award of grant for social services;

2. A lease for office space or equipment;

3. A contract to provide food, clothing, or other consumable products;

4. Any decisions made concerning the matters listed in KRS 11A.201(7)(a) through (f), and

5.[~~4.~~] Any other subject matter.[~~(3)(a) The signature on the Initial Registration Statement which is filed with the commission shall be submitted either in blue or black ink, electronically by facsimile, or electronic mail to the commission, or through an online system established by the commission.~~

~~(b) The forms incorporated by reference in this administrative regulation may be reproduced by an executive agency lobbyist or his employer.~~]

Section 3. (1)(a) Until July 31, 2019, if a filer submitted the initial registration statement form to the commission prior to June 30, 2019, then the updated registration statement form required by KRS 11A.211(2) shall be filed on the applicable Updated Registration Statement (Rev. 4/2016) for that filer[~~forms~~].

(b) If a filer submitted the initial registration statement form to the commission after June 30, 2019, then the updated registration form required by KRS 11A.211(2) shall be filed on the applicable Updated Registration Statement as follows:

1. For the executive agency lobbyist on:

a. The combined form EBEC-EAL-202; or

b. EBEC-EAL-203;

2. For the employer of the executive agency lobbyist on form EBEC-EAL-204; and

3. For the real party in interest on form EBEC-EAL-205.

(2) Until June 30, 2019, the notice of termination required by KRS 11A.211(4) shall be filed on the Termination Notification as Executive Agency Lobbyist (Rev. 4/2016). After June 30, 2019, the notice of termination required by KRS 11A.211(4) shall be filed on the Termination Notification as Executive Agency Lobbyist EBEC-EAL-206[~~form~~].

Section 4. Enforcement Procedure. (1) If an executive agency lobbyist, an employer of an executive agency lobbyist, or a real party in interest has not filed an Updated Registration Statement on or before the date the statement is due, the commission shall notify the party, by certified mail, return receipt requested, that if the statement is not filed within fifteen (15) days of the date of the receipt of notice the commission shall levy a fine, as provided by KRS 11A.990(5).

(2) If, by the 16th day after proof of service of the certified letter is received by the commission, the commission has not received the statement that was due by July 31, the commission shall prepare and issue to the executive agency lobbyist, employer, or real party in interest an order demanding payment of the appropriate fine as required by KRS 11A.990(5). The executive agency lobbyist, employer, or real party in interest shall pay the fine within ten (10) days from the date of the order. The commission shall exonerate or reduce the fine if the commission receives evidence during the ten (10) day fine payment period indicating the filer has already filed the updated registration statement, or that the delinquency is in error.

(3) The commission also may exonerate or reduce a fine for late filing of the updated registration statement if the commission feels that exoneration is warranted, based on the circumstances, such as illness or injury, bereavement, emergency, unforeseen circumstances beyond the control of the person, bona fide effort to file on time, or similar circumstance.

(4) If the commission is not in receipt of the fine from the executive agency lobbyist, employer, or real party in interest by the tenth day after issuance of the order demanding payment of the fine, the general counsel may recommend that the commission initiate an investigation of the executive agency lobbyist, employer, or real party in interest to determine if the failure to file was intentional causing the criminal penalties set forth in KRS 11A.990(6) to apply.

Section 5. Submission. (1) The signature on the statements and forms required by this administrative regulation shall be:

(a) In blue or black ink; or

(b) Electronic.

(2) The forms required by this administrative regulation, which are filed with the commission, shall be submitted as follows:

(a) By hard copy via hand-delivery or U.S. Mail to the Commission's address;

(b) Electronically by facsimile to (502) 696-5092

(c) Electronically by electronic mail to ethicsfiler@ky.gov; or

(c) Through an online system once established by the commission.

(3) The forms incorporated by reference in this administrative regulation may be reproduced by the executive agency lobbyist, the employer, or real party in interest.

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

(a) "Initial Registration Statement", rev. 04/2016;

(b) "Updated Registration Statement - Executive Agency Lobbyist", rev. 04/2016;

(c) "Updated Registration Statement - Employer of Executive Agency Lobbyist", rev. 04/2016;

(d) "Updated Registration Statement -Executive Agency Lobbyist/Employer Combined", rev. 04/2016;

(e) "Updated Registration Statement - Real Party in Interest", rev. 04/2016;

(f) "Termination Notification as Executive Agency Lobbyist", rev. 04/2016;

(g) "Commonwealth of Kentucky Registration Card Executive Agency Lobbyist", 9/93.

(h) "Initial Registration Statement" EBEC-EAL-201 (Rev. 05/2019);

(i) "Updated Registration Statement - Executive Agency

Lobbyist" EBEC-EAL-202 (Rev. 05/2019);

(j) "Updated Registration Statement -Executive Agency Lobbyist/Employer Combined" EBEC-EAL-203 (Rev. 05/2019);

(k) "Updated Registration Statement - Employer of Executive Agency Lobbyist" EBEC-EAL-204 (Rev. 05/2019);

(l) "Updated Registration Statement - Real Party in Interest" EBEC-EAL-205 (Rev. 05/2016);

(m) "Termination Notification as Executive Agency Lobbyist" EBEC-EAL-206 (Rev. 05/2019);

(n) "Commonwealth of Kentucky Registration Card Executive Agency Lobbyist" (Rev. 9/93).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104[~~#3 Fountain Place~~], Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

CHRISTOPHER L. THACKER, Chair

APPROVED BY AGENCY: MAY 14, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

CONTACT PERSON: Kathryn H. Gabhart, Executive Director, Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601, phone (502) 564-7954, fax (502) 695-5939, Katie.Gabhart@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kathryn H. Gabhart

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation provides guidance to Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, and Real Parties in Interest who file an initial registration and updated registration statements with the Executive Branch Ethics Commission as required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4).

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 11A.241(4), (5), and (6).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation provides guidance and forms required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently provides guidance and the forms required for Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, and Real Parties in Interest who file an initial registration and updated registrations with the Executive Branch Ethics Commission as required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4).

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

(a) How the amendment will change this existing administrative regulation: This amendment will change the administrative regulation by revising the forms required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4) as required by SB 6 of the 2019 General Assembly Session, as well as necessary changes for ease of use and aesthetic functioning of the forms.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary as required by SB 6 of the 2019 General Assembly Session.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment to the administrative regulation conforms with the requirements of SB 6 of the 2019 General Assembly Session requiring changes to the forms submitted by Executive Agency Lobbyists, Employers of the Executive Agency Lobbyists, and Real Parties in Interest.

(d) How the amendment will assist in the effective administration of the statutes: This amendment to the administrative regulation will assist in the administration of KRS 11A.211 as amended by SB 6 of the 2019 General Assembly Session requiring revisions in the forms submitted by Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, and Real Parties in Interest.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, Real Parties in Interest and officials of Executive Branch Agencies.

(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: All Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, Real Parties in Interest and officials of Executive Branch Agencies will be aware of the amendment of KRS 11A.211 by SB 6 of the 2019 General Assembly Session.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: They will have to file the required forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no known cost associated with this amended administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, Real Parties in Interest and officials of Executive Branch Agencies will have guidance and notice as to the requirements of KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4) and the revised forms required by SB 6 as amending KRS 11A.211.

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

(a) Initially: Minimal costs to the Executive Branch Ethics Commission associated with the publication of training materials and conducting education already provided by the Commission's budget.

(b) On a continuing basis: Minimal costs to the Executive Branch Ethics Commission associated with the ongoing publication of training materials and conducting education already provided by the Commission's budget.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Commission's existing 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: This administrative regulation will not require an increase in any fees or funding.

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

(9) TIERING: Is tiering applied? Tiering was not applied because this administrative regulation applies equally to all affected individuals.

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 Executive Branch of state government.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 11A.110(3) and 11A.080.

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 amendment to the administrative regulation will not generate any revenue.

(b) How much revenue will this administrative regulation

generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate any revenue? The amendment to the administrative regulation will not generate any revenue.

(c) How much will it cost to administer this program for the first year? $500 for publications and training; funds already included in the Executive Branch Ethics Commission's budget.

(d) How much will it cost to administer this program for subsequent years? $500 for publication and training; funds already included in the Executive Branch Ethics Commission's budget.

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:

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Education Professional Standards Board
(As Amended at ARRS, May 14, 2019)

16 KAR 3:011. Repeal of 16 KAR 3:010, 16 KAR 3:020, 16 KAR 3:030, 16 KAR 3:040, and 16 KAR 3:050.

RELATES TO: KRS 13A.310
STATUTORY AUTHORITY: KRS 161.020

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 requires that a teacher or other professional school personnel hold a certificate of legal qualification for the respective position to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board. An educator preparation provider shall be approved for offering the preparation program corresponding to the certificate on the basis of standards and procedures established by the Education Professional Standards Board. KRS 13A.310 allows repeal of administrative regulations if the promulgating body desires. This administrative regulation repeals administrative regulations that are included in the new administrative regulation 16 KAR 3:090.

Section 1. The following administrative regulations are hereby repealed:

(1) 16 KAR 3:010, Certification for school superintendent;

(2) 16 KAR 3:020, Certification for supervisor of instruction;

(3) 16 KAR 3:030, Professional certificate for directors and assistant directors of pupil personnel;

(4) 16 KAR 3:040, Director of special education; and

(5) 16 KAR 3:050, Professional certificate for instructional leadership-school principal, all grades.

SARAH BURNETT, Board Chair

APPROVED BY AGENCY: February 11, 2019

FILED WITH LRC: February 15, 2019 at 11 a.m.

CONTACT PERSON: Deanna L. Durrett, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Education Professional Standards Board
(As Amended at ARRS, May 14, 2019)

16 KAR 3:090. Certifications for advanced educational leaders.

RELATES TO: KRS 161.020, 161.027, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.027, 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 requires that a teacher or other professional school personnel hold a certificate of legal qualification for the respective position to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board. An educator preparation provider shall be approved for offering the preparation program corresponding to a particular certificate on the basis of standards and procedures established by the Education Professional Standards Board. This administrative regulation establishes the preparation and certification programs for all advanced educational leaders.

Section 1. Definitions.

(1) "Advanced Educational Leader" means school principal, school superintendent, director of special education, instructional supervisor, or director of pupil personnel.

(2) "Level I" means the standards-based program of studies designed for minimal preparation to serve in the specific Advanced Educational Leader position.

(3) "Level II" means the standards-based program of studies to attain the first five (5) year renewal of the certificate for the specific Advanced Educational Leader position.

(4) "Qualified applicant" means an applicant who holds the appropriate certification for the position unless the superintendent of the employing school district has documented evidence that the applicant is unsuitable for appointment.

Section 2. Programs of Preparation for Advanced Educational Leaders.

(1) Prerequisites for admission for all programs of preparation for Advanced Educational Leadership certifications shall include:

(a) Qualifications for a Kentucky teaching certificate;

(b) Admission to the preparation program on the basis of criteria developed by the Educator Preparation Provider pursuant to 16 KAR 5:010;

(c) Rank II; and

(d) Completion of at least three (3) years of full-time, documented teaching experience in a public school or a nonpublic school which meets the state performance standards as established in KRS 156.160 or which has been accredited by a regional or national accrediting association.

(2) Preparation programs for Advanced Educational Leaders shall be consistent with the Professional Standards for Educational Leadership.

Section 3. Assessment Prerequisites for Advanced Educational Leaders.

(1) ***Until December 1, 2020, an applicant for advanced educational leadership-school principal, or a career and technical school principal, shall complete the following tests and attain the minimum score specified for each test:***

(a) School Leaders Licensure Assessment (6011) - 160; and

(b) The Kentucky Specialty Test of Instructional and Administrative Practices (1015) -158.

(2) After December 1, 2020, all applicants for certification for advanced educational leadership, or a career and technical school principal, shall attain the specified minimum score on the School Leaders Licensure Assessment (6990). An applicant for advanced educational leadership-school principal, or a career and technical school principal, shall also be required to take the Kentucky Specialty Test of Instructional and Administrative Practices (1015) and attain the minimum score of 158.

(3)The Education Professional Standards Board shall determine the specified minimum score for the School Leaders Licensure Assessment (6990).

(4) The Education Professional Standards Board shall specify the passing score for Advanced Educational Leaders on the School Leaders Licensure Assessment (6990). The order shall be posted to the website for the Education Professional Standards Board.

(5) Until December 1, 2020, an applicant for advanced educational leadership-school principal, or a career and technical school principal, may substitute a passing score on the School Leaders Licensure Assessment (6990) for the requirement of paragraph (1)(a) of this section.

(6) An applicant for certification for advanced educational leadership, or a career and technical school principal, shall only be required to pass the School Leaders Licensure Assessment once. The applicant shall not be required to pass the assessment if they pursue additional certification for advanced educational leadership or career and technical school principal.

(7) The successful completion of the School Leaders Licensure Assessment shall not be required for an applicant who has:

(a) Two (2) years of experience as a certified advanced educational leader in another state; and

(b) Successfully completed a nationally administered test in the area of educational leadership and administration.

(8) An applicant shall take the required assessments on a date established by the Educational Testing Service. An applicant shall authorize that test results be forwarded to the Education Professional Standards Board by the Educational Testing Service.

(9) An applicant shall seek information regarding the dates and location of the test 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.

(10) An applicant shall pay all fees assessed by the Educational Testing Service.

(11) An applicant who fails to achieve a minimum score on a required test as specified in this section shall be permitted to retake the test during a regularly scheduled test administration.

(12) A temporary certificate issued in accordance with KRS 161.027(6)(a) shall not be extended for an applicant who does not successfully complete the assessments within the year.

(13) For an applicant applying for a certificate under KRS 161.027(6)(b), the school superintendent of the employing district shall submit a request that shall include an affirmation that the applicant pool consisted of three (3) or less applicants who met the requirements for selecting a principal.

(14) The temporary certificate issued in accordance with KRS 161.027(6)(b) shall not be extended beyond the one (1) year period.

(15) On an annual or biennial basis, the Education Professional Standards Board shall collect and analyze data provided by the Educational Testing Service through score and institution reports which permit evaluation of the examination prerequisites covered by this administrative regulation.[~~An applicant for certification for advanced educational leadership, or a career and technical school principal, shall attain the specified minimum score on the School Leadership Licensure Assessment.~~

[~~(2) The Education Professional Standards Board shall determine the specified minimum score for the School Leadership Licensure Assessment.~~

[~~(3) The Education Professional Standards Board shall specify the passing score for Advanced Educational Leaders on the School Leadership Licensure Assessment. The order shall be posted to the website for the Education Professional Standards Board.~~

[~~(4) An applicant for certification for advanced educational leadership, or a career and technical school principal, shall only be required to pass the School Leadership and Licensure Assessment once. The applicant shall not be required to pass the assessment if they pursue additional certification for advanced educational leadership or career and technical school principal.~~]

Section 4. Level I and Level II Certification.

(1) The initial professional certificate for all Advanced Educational Leaders, with the exception of School Superintendent, shall be Level I certification.

(2) Application for the professional certificate for the specific Advanced Educational Leader certification shall be made on a Form CA-1.

(3) The initial professional certification for the specific Advanced Educational Leader shall be:

(a) Issued for a duration of five (5) years upon the successful completion of a Level I program approved by the Education Professional Standards Board pursuant to 16 KAR 5:010; and

(b) Renewed subsequently for five (5) year periods.

1. The first renewal shall require the completion of a Level II program approved by the Education Professional Standards Board pursuant to 16 KAR 5:010.

2. Each five (5) year renewal thereafter shall require the completion of:

a. Two (2) years of experience in the corresponding Advanced Educational Leader position;

b. Three (3) semester hours of additional graduate credit or the equivalent related to the corresponding Advanced Educational Leader position; or

c. Forty-two (42) hours of approved training selected from programs approved for the Kentucky Effective Instructional Leadership Training Program.

(4) If a lapse in certification occurs for lack of completion of the Level II preparation, the certification may be reissued for a five (5) year period upon successful completion of the Level II preparation.

(5) If a lapse in Level II certification occurs for lack of completion of the renewal requirements, the certificate may be reissued after the completion of an additional six (6) semester hours of graduate study or the equivalent appropriate to the program.

(6) Graduate level credit earned in the Level I and Level II preparation programs may be eligible for consideration of Rank I classification pursuant to 16 KAR 8:010, "Plan I" or "Plan II".

Section 5. School Superintendent.

(1) In addition to the requirements of Section 2 ***of this administrative regulation***, prerequisites for admission to the program of preparation for Advanced Educational Leadership-School Superintendent shall include:

(a) Except as provided in paragraph (b) of this subsection**,** completion of the Levels I and II preparation and certification for the position of school principal***[,]*** or supervisor of instruction; or

(b) For a candidate who completed preparation for principal prior to 1988, completion of the assessments for administration.

(2) Each accredited educator preparation provider shall have a formal application procedure for admission to a superintendent preparation program, which shall include the following:

(a) A written letter of recommendation from a supervisor or an education agency representative attesting to the applicant's suitability for school leader;

(b) An admissions portfolio which documents that the applicant demonstrates the following:

1. The ability to improve student achievement;

2. Knowledge of school laws related to school finance, school operations, and personnel matters;

3. The ability to implement curriculum, instruction, and assessment;

4. A commitment to ongoing professional growth;

5. Effective communication skills; and

6. The ability to build relationships, foster teamwork, and develop networks; and

(c) Proof the applicant has completed a master's degree program.

(3) Each superintendent preparation program shall utilize a clinical model which requires candidates to:

(a) Work in diverse school and district central office settings; ***[and]***

(b) Solve problems based on the school district's needs;

(c) Develop a mentoring plan for each candidate; and

(d) Design a method to assess the effectiveness of a candidate's clinical experience.

(4) A superintendent preparation program shall require all candidates to complete a capstone project to be presented to a panel of program faculty and practicing school administrators prior to completion of the program.

(5) The professional certificate for Advanced Educational Leader- School Superintendent shall be issued to an applicant who has completed:

(a) An approved program of preparation***[,]*** as required by Section 2 ***of this administrative regulation[,]*** and pursuant to 16

KAR 5:010;

(b) The assessment requirements in Section 3 ***of this administrative regulation***; and

(c) At least two (2) years of experience in a position of school principal, supervisor of instruction, guidance counselor, director of pupil personnel, director of special education, school business administrator, local district coordinator of vocational education, or a coordinator, administrator, or supervisor of district-wide services. Other administrative experience may be substituted for this requirement with the approval of the Education Professional Standards Board.

(6) Application for the professional certificate for Advanced Educational Leader - School Superintendent shall be made on a Form CA-1.

(7) The professional certificate for Advanced Educational Leader- School Superintendent shall be valid for the position of school superintendent or assistant superintendent.

Section 6. Supervisor of Instruction. The professional certificate for Advanced Educational Leader- Supervisor of Instruction shall be issued**,** in accordance with Section 4 ***of this administrative regulation***, to an applicant who has completed the approved program of preparation, which corresponds to the certificate at an educator preparation provider approved under the standards and procedures established in 16 KAR 5:010 and Section 2 ***of this administrative regulation***, and obtained at least the minimum passing score on the School Leadership Licensure Assessment.

Section 7. Director of Pupil Personnel.

(1) The professional certificate for Advanced Educational Leader- Director of Pupil Personnel Services shall be issued**,** in accordance with Section 4 ***of this administrative regulation***, to an applicant who has completed the approved program of preparation**,** which corresponds to the certificate at an educator preparation provider approved under the standards and procedures established in 16 KAR 5:010 and Section 2 ***of this administrative regulation***, and obtained at least the minimum passing score on the School Leadership Licensure Assessment.

(2) If a qualified applicant for director of pupil personnel services is not available as attested by the local school superintendent, the superintendent, on behalf of the local board of education, may request a one (1) year probationary certificate for a director of pupil personnel services who has:

(a) A valid Kentucky classroom teaching certificate;

(b) A Rank II;

(c) Three (3) years of successful teaching experience; and

(d) Been admitted to the preparation program for the professional certificate for Advanced Educational Leader- Director of Pupil Personnel Services.

(3) Application for the one (1) year probationary certificate for a director of pupil personnel services shall be made on Form CA-40.

(4) Each annual renewal of the probationary certificate for director of pupil personnel services shall require completion of an additional nine (9) semester hours selected from the approved program.

Section 8. Director of Special Education.

(1) The professional certificate for Advanced Educational Leader- Director of Special Education shall be issued**,** in accordance with Section 4 ***of this administrative regulation***, to an applicant who has completed the approved program of preparation**,** which corresponds to the certificate at an educator preparation provider approved under the standards and procedures established in 16 KAR 5:010 and Section 2 ***of this administrative regulation***, and obtained at least the minimum passing score on the School Leadership Licensure Assessment.

(2) The candidate may have three (3) years of full-time experience as a school psychologist, but shall have a minimum of one (1) year as a teacher of exceptional children or school psychologist to meet the requirements of Section 2(1)(a) ***of this administrative regulation***.

(3) The candidate may qualify for a Kentucky school psychologist certificate in lieu of the requirements of Section 2(1)(a) ***of this administrative regulation***.

(4) Each person whose job description includes supervising, directing, administering, or coordinating special education programs, at the district-wide level shall be required to hold:

(a) Endorsement for director of special education;

(b) Professional certificate for director of special education;

(c) Endorsement for supervisor of special education;

(d) Endorsement for teacher consultant for special education;

(e) Certificate valid for supervisor of instruction for persons serving in that position on July 14, 1992, as provided by KRS 157.250; or

(f) Valid certificate possessing the code ADSE for approval of director of special education.

(5) If a qualified applicant is not available for the position of director of special education, the superintendent**,** on behalf of the local board of education**,** may request a professional certificate for director of special education for a two (2) year period for an applicant who has:

(a) A valid Kentucky certificate for teachers of exceptional children;

(b) A Rank II;

(c) Three (3) years of full-time experience teaching exceptional children;

(d) Completed a course in special and regular education case law; and

(e) Been admitted to the preparation program for the professional certificate for director of special education.

(6) Application for the two (2) year certificate for a director of special education shall be made on Form CA-28.

(7) The applicant shall complete the total curriculum for the professional certificate for director of special education by September 1 of the year of expiration.

Section 9. Principal.

(1) In addition to the requirements of Section 2 ***of this administrative regulation***, prerequisites for admission to the program of preparation for Advanced Educational Leadership-School Principal shall include:

(a) A written statement documenting the candidate's skills and understanding in the following areas:

1. Ability to improve student achievement;

2. Leadership; and

3. Advanced knowledge of curriculum, instruction, and assessment; and

(b) An agreement from a school district pledging support that includes opportunities for the candidate to participate in a clinical experience. The agreement shall include:

1. A description of how the district will provide opportunities for the candidate:

a. To observe school and district leadership; and

b. To participate in school and district leadership activities;

2. Confirmation that the candidate shall be permitted to utilize aggregated school and district information and data; and

3. The signature of the district superintendent or the district superintendent's designee.

(2) Candidates who have not obtained their Rank II may be admitted to the program of preparation for Advanced Educational Leadership-School Principal if the educator preparation provider determines that the candidate has met all other requirements for admission.

(3) In addition to the requirements established in 16 KAR 5:010, Section 22, the educator preparation provider shall prepare and submit to the Education Professional Standards Board for each principal preparation program for which the provider is seeking approval program review documents which meet the submission requirements and include the following documented information:

(a) Signed collaborative agreements with school districts that include the following:

1. Joint screening of principal candidates by both district and university;

2. Joint identification of potential program leaders and mentors;

3. District and university co-design and co-delivery of courses; and

4. The manner in which the principal preparation program is based on the identified leadership needs of each district;

(b) The protocol for screening applicants that ensures the identification and admission of candidates into the program;

(c) A matrix that illustrates the alignment between the standards identified in Section 2 ***of this administrative regulation***, and the program's curriculum and clinical experiences;

(d) A syllabus for each of the program's required courses identified in the documentation required by paragraph (c) of this subsection;

(e) The program's plan to collaborate with each district in providing clinical experiences that:

1. Enhance courses throughout the entire program;

2. Ensure that the candidate has a continuum of school-based experiences that range from observing, to participating, to leading; and

3. Expose the candidate to diverse student populations and school environments;

(f) The program's plan to use rigorous formative and summative evaluations of each candidate's:

1. Knowledge and skills to advocate, nurture, and sustain a school culture that promotes and supports high levels of learning for all students; and

2. Knowledge and skills to manage a school for efficiency, accountability, and safety; and

(g) The program's plan to require all candidates to conduct a capstone project and defend it to a panel of program faculty and practicing school administrators at the end of Level I preparation.

(4) A statement of eligibility for internship for the provisional certificate for Advanced Educational Leader- School Principal shall be issued for a five (5) year period to an applicant who:

(a) Has successfully completed an approved program of preparation;

(b) Has three (3) years of full-time teaching experience; and

(c) Has successfully completed the appropriate assessment requirements in Section 3 ***of this administrative regulation***, or qualifies for a one (1) year period for completion of assessments under KRS 161.027(6).

(5) Application for a Statement of Eligibility shall be made on Form CA-1.

(6) A request for renewal of the Statement of Eligibility pursuant to KRS 161.027(7) shall be made on Form CA-2, incorporated by reference in 16 KAR 4:060.

(7) The professional certificate for Advanced Educational Leader- School Principal shall be issued upon successful completion of the principal internship as provided in KRS 161.027 and 16 KAR 7:020.

(8) The provisional or professional certificate for Advanced Educational Leader-School Principal shall be valid for the position of school principal or school assistant principal for all grade levels.

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Professional Standards for Educational Leaders;

(b) Form CA-1, 10/18, Education Professional Standards Board;

(c) Form CA-2, 10/18, Education Professional Standards Board;

(d) Form CA-28, 08/15, Education Professional Standards Board; and

(e) Form CA-40, 08/15, Education Professional Standards Board.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

SARAH BURNETT, Board Chair

APPROVED BY AGENCY: December 10, 2018

FILED WITH LRC: December 13, 2018 at 1 p.m.

CONTACT PERSON: Deanna L. Durrett, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov.

PERSONNEL CABINET
(As Amended at ARRS, May 14, 2019)

101 KAR 2:034. Classified compensation administrative regulations.

RELATES TO: KRS 18A.030(2), 18A.110, 18A.165

STATUTORY AUTHORITY: KRS 18A.110(1)(c), (d), (g), (7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.110 requires the Secretary of Personnel to promulgate administrative regulations which govern the pay plan for all employees in the classified service. This administrative regulation establishes requirements to assure uniformity and equity in administration of the pay plan in accordance with statutory requirements.

Section 1. New Appointments. (1) An appointing authority shall appoint a new employee at a salary not to exceed the midpoint of the pay grade.

(2) The appointing authority shall adjust to that salary an employee who is earning less than the new appointee's salary, if the appointing authority determines that the incumbent employee:

(a) Is in the same job classification;

(b) Is in the same department or office;

(c) Is in the same work county; and

(d)[~~(c)~~] Has a similar combination of education and experience relating to the relevant job class specification.

Section 2. Reentrance to Classified Service. (1) Returning retirees. An employee who was formerly employed under KRS Chapter 18A and who is appointed to a position covered by the provisions of KRS Chapter 18A while receiving retirement payments through the Kentucky Retirement Systems or Kentucky Teachers Retirement System shall be appointed in accordance with the provisions for new appointments in this administrative regulation.

(2) Other reentering employees.

(a) Former classified employees. An appointing authority shall set the salary of a former classified employee, other than a returning retiree, who is being reemployed, reinstated, or probationarily appointed in one (1) of the following ways:

1. In accordance with the standards used for making new appointments in this administrative regulation; [~~or~~]

2. Up to the same salary as that paid at the time of separation from the classified service, if that salary does not exceed the midpoint salary plus the difference, in dollars, between the job class entry level salary and the pay grade midpoint salary; or

3. The same salary as that paid at the time of separation from the classified service provided the employee is returning to the same pay grade or same job classification held at the time of separation from the classified service.

(b) Former unclassified employees with prior classified service. An appointing authority shall set the salary of a former classified employee who moved to the unclassified service and who is reinstated, reemployed, or probationarily appointed to a position in the classified service in one (1) of the following ways:

1. In accordance with the standards for making new appointments;

2. Up to the same salary as that paid at the time of separation from the classified service, if that salary does not exceed the pay grade midpoint salary plus the difference, in dollars, between the job class entry level salary and the pay grade midpoint salary;

3. At a salary that is the same as the salary the employee last received in the classified service with adjustments for increases that would have been received if the employee had remained in the classified service prior to resignation if the salary does not exceed the pay grade midpoint salary plus the difference, in dollars, between the job class entry level salary and the pay grade midpoint salary; or

4. At a salary up to five (5) percent above the pay grade entry level wage for each year of service in the KRS Chapter 18A system, if the salary does not exceed the pay grade midpoint salary plus the difference, in dollars, between the job class entry level salary and the pay grade midpoint salary. Salary shall be calculated using whole percentages.

(c) Former unclassified employees with no previous classified service. An appointing authority shall set the salary of a former unclassified employee with no previous classified service, who is probationarily appointed or reemployed, in one (1) of the following ways:

1. In accordance with the standards for making new appointments; or

2. At a salary up to five (5) percent above the minimum salary for each year of service in the unclassified service, if the salary does not exceed the pay grade midpoint salary plus the difference, in dollars, between the job class entry level salary and the pay grade midpoint salary. Salary shall be calculated using whole percentages.

(d) Laid off employees. A former employee, separated from the classified service by layoff and reinstated or reemployed in the same or similar job classification within five (5) years from the date of layoff, may receive the salary the employee was receiving at the time of layoff, even if the salary is above the maximum of the pay grade.

(3) Probationary increments upon reentrance to state service. A former employee who is probationarily appointed at a salary at or below the midpoint of the pay grade shall receive a probationary increment upon successful completion of the probationary period.

Section 3. Salary Adjustments. (1) Promotion.

(a) An employee who is promoted shall receive the greater of five (5) percent for each grade, or an increase to the minimum of the new grade except as provided under subsection (2)(b) of this section; or

(b) If sufficient funds are available and except as provided under subsection (2)(b) of this section, an appointing authority may adjust the employee's salary up to the midpoint of the pay grade as long as the increase is greater than the increase specified in subsection (1)(a) of this section.

(2) Demotion.

(a) If an employee is demoted, the appointing authority shall determine the salary in one (1) of the following ways:

1. The employee's salary shall be reduced by five (5) percent for each grade the employee is reduced; or

2. The employee shall retain the salary received prior to demotion. If the employee's salary is not reduced upon demotion, the appointing authority shall explain the reason in writing and place the explanation in the employee's personnel files.

(b) An employee whose salary is not reduced by five (5) percent per grade upon demotion shall not be eligible for a salary increase upon promotion, reclassification, detail to special duty, reallocation, pay grade change, or successful completion of promotional probation until the employee is moved to a job classification with a higher pay grade than that from which he was demoted. If a promotion, reclassification, detail to special duty, reallocation, or pay grade change occurs, it shall be deemed as having been made from the grade from which the employee had been demoted.

(c) In the event of a salary schedule adjustment of an entry level wage of a pay grade, if an employee demoted to a lower pay grade, retained his or her salary, and was subsequently promoted and on promotional probation on the effective date of the new salary schedule, if the employee's salary is less than five (5) percent above the new entry level salary of the pay grade assigned to that employee on the effective date, the Personnel Cabinet shall adjust that employee's salary to five (5) percent above the new entry level wage.

(3) Reclassification.

(a) An appointing authority shall adjust the salary of an employee who is advanced to a higher pay grade through reclassification in one (1) of the following ways:

1. The greater of five (5) percent for each grade or the new grade minimum except as provided under subsection (2)(b) of this section; or

2. If sufficient funds are available and except as provided under subsection (2)(b) of this section, up to the midpoint of the pay grade as long as the increase is greater than the increase specified in subparagraph 1. of this paragraph.

(b) An employee who is placed in a lower pay grade through reclassification shall receive the same salary received prior to reclassification, but shall not be eligible for a salary increase upon promotion, reclassification, detail to special duty, reallocation, pay grade change, or successful completion of promotional probation until the employee is moved to a job classification with a higher pay grade than that from which he was reclassified. If a promotion, reclassification, detail to special duty, reallocation, or pay grade change occurs, it shall be deemed as having been made from the grade from which the employee had been reclassified.

(c) If sufficient funds are available, an appointing authority may adjust up to the midpoint of the pay grade the salary of an employee who is placed in the same pay grade through reclassification.

(d) An employee shall not be reclassified from a job classification that does not require the supervision of employees to a job classification that requires the supervision of employees as mandated within the job class specification.

(4) Reallocation.

(a) An employee who is advanced to a higher pay grade through reallocation shall receive the greater of five (5) percent for each grade or the new grade minimum except as provided under subsection (2)(b) of this section.

(b) An employee who is placed in a lower pay grade through reallocation shall receive the same salary received prior to reallocation, but shall not be eligible for a salary increase upon promotion, reclassification, detail to special duty, reallocation, pay grade change, or successful completion of promotional probation until he is moved to a job classification with a higher pay grade than that from which he was reallocated. If a promotion, reclassification, detail to special duty, reallocation, or pay grade change occurs, it shall be deemed as having been made from the grade from which the employee had been reallocated.

(5) Detail to special duty.

(a) An employee who is approved for detail to special duty shall receive, during the period of detail, the greater of five (5) percent for each grade or the new grade minimum except as provided under subsection (2)(b) of this section.

(b) An employee who is approved for detail to the same or lower pay grade shall receive the same salary received prior to detail.

(6) Reversion.

(a) The salary of an employee who is reverted while serving a promotional probationary period, or following detail to special duty in a higher pay grade, shall be adjusted to:

1. The salary received prior to the promotion or detail; and

2. All salary advancements and adjustments which would have been awarded if the promotion or detail had not occurred.

(b) The salary of an employee who is reverted from a position in the unclassified service to a position in the classified service shall be adjusted to:

1. The salary received prior to leaving the classified service; and

2. All salary advancements and adjustments which would have been awarded if the individual had remained in the classified service.

(c) The increment date of an employee who is reverted from a position in the unclassified service to a position in the classified service shall be restored to the increment date set prior to leaving the classified service.

(7) Pay grade changes.

(a) If a job classification is assigned to a higher pay grade, the appointing authority shall raise the salary of an employee below the new grade minimum to the new grade minimum. If sufficient funds are available, an appointing authority may uniformly adjust the salary of all employees in that agency in that job classification to:

1. The greater of the new grade minimum or five (5) percent; or
2. The greater of the new grade minimum or ten (10) percent.

(b) If a job classification is assigned to a lower pay grade, an employee in that job classification shall retain his current salary.

(8) Special entrance rates. If a special entrance rate is established for a job classification, an appointing authority shall adjust the salary of an employee in that job classification who is below the special entrance rate to the new rate. If sufficient funds are available, on the same date as the establishment of the special entrance rate, an appointing authority may uniformly grant to all employees in that job classification, except those employees who are on initial probation, a salary adjustment equal to the difference between the entrance of the pay grade[~~former entrance rate~~] and the new entrance rate.

(9) Other salary adjustments. On the 16th of a month, an appointing authority may grant a salary adjustment to all employees in a job classification within an agency who were eligible for, but did not receive, a five (5) percent or ten (10) percent salary adjustment as a result of a grade change applicable to the job classification, on or after January 1, 1999. The total adjustment granted at the time of the grade change and under this paragraph shall equal five (5) percent or ten (10) percent of the employee's salary immediately prior to the grade change. Such adjustment shall not be retroactive.

(10) Conversion rule. The salary of an employee whose position changes from a thirty-seven and five-tenths (37.5) hour workweek to a forty (40) hour workweek, or vice versa, shall be converted to accurately reflect the employee's hourly rate of base pay. This conversion shall be applied before applying any other salary adjustment to which the employee is entitled pursuant to this section.

Section 4. Salary Advancements. (1) Initial probation increase. A full-time or part-time employee who completes an initial probationary period shall be granted a five (5) percent salary advancement on the first of the month following completion of the probationary period.

(2) Promotional probation increase. An employee shall receive a five (5) percent salary advancement on the first of the month following completion of the promotional probationary period except as provided under Sections 3(2)(b), 3(3)(b), and 3(4)(b) of this administrative regulation.

(3) Annual increment dates shall be established as follows:

(a) Upon completion of an initial probationary period;

(b) When a former employee has been probationarily appointed and has received compensation in any twelve (12) months without receiving an increment; or

(c) When an employee returns from leave without pay under the provisions of subsection (5) of this section.

(4) Annual increment dates shall not change if an employee:

(a) Is in a position which is assigned a new or different pay grade;

(b) Receives a salary adjustment as a result of a reallocation;

(c) Is promoted;

(d) Is transferred;

(e) Is demoted;

(f) Is detailed to special duty;

(g) Receives an educational achievement award;

(h) Returns from military leave;

(i) Is reclassified;

(j) Receives a promotional increase after completion of a promotional probationary period; or

(k) Is reemployed after layoff.

(5) Return from leave without pay. An employee returning to duty from leave without pay shall receive an annual increment on the first of the month after receiving compensation in any twelve (12) months since the last increment was received.

(6) Service computation. Full-time and part-time service shall be counted in computing service for the purpose of determining increment eligibility.

(7) Order of calculating increments and other salary increases which occur at the same time. If an employee's increment date occurs on the same date that a salary adjustment or advancement is granted, the increment shall be applied before the adjustment or advancement is added to the employee's salary, except if the adjustment is based on a reversion, pay grade change, a salary schedule change, or establishment of a special entrance rate.

Section 5. Educational Achievement Award. (1) On the 16th of a month, an appointing authority may grant a five (5) percent increase to an employee's base salary based on educational achievement as specified in this section.

(2) An agency may elect not to participate in the educational achievement program if sufficient funds are not available.

(3) An employee shall not receive more than one (1) educational achievement award in a fiscal year.

(4) An employee shall not receive an educational achievement award and an adjustment for continuing excellence (ACE) based on the same training.

(5) By submitting a personnel action to grant an educational achievement award, the appointing authority shall certify that all of the qualifying conditions established by this section for the appropriate type of educational achievement award have been met.

(a) For a high school diploma, high school equivalency certificate, or a passing score on the GED test, the qualifying conditions shall be met if:

1. The employee has obtained the high school diploma, equivalency certificate, or passing score on the GED test:

a. Outside of work hours;

b. While in state service; and

c. After establishing an increment date;

2. The employee has not previously attained a high school diploma, equivalency certificate, or passing score on the GED test; and

3. The employee has not completed college coursework on the undergraduate or graduate level prior to obtaining the high school diploma, equivalency certificate, or a passing score on the GED test.

(b) For postsecondary education or training, the qualifying conditions shall be met if:

1. The employee has completed 260 hours of job-related instruction, or the equivalent;

2. The employee began the course work after becoming a state employee and completed the course work after establishing an increment date;

3. The employee has completed the course work within five (5) years of the date on which it was begun;

4. The course work has not previously been applied toward an educational achievement award;

5. The agency has not paid for the course work or costs associated with it, in whole or in part; and

6. The employee was not on educational or extended sick leave when the courses were taken.

Section 6. Salary Schedule Adjustment. (1) If the secretary authorizes an adjustment of the salary schedule, an appointing authority shall adjust the salaries of all employees below the new schedule entry level wage for the pay grade[~~minimum rate~~] to the new schedule entry level wage for the pay grade[~~minimum rate~~]. If sufficient funds are available, the secretary may authorize an appointing authority to grant a salary increase for all employees equal to the difference in the old schedule entry level wage[~~minimum~~] for the grade and the new schedule entry level wage[~~minimum~~] for the grade.

(2) After consultation with the state budget director, if sufficient funds are available, and the Secretary of Personnel determines that an increase in the entry level wage of one (1) or more pay grades is warranted, the Personnel Cabinet shall identify each currently active employee in the pay grade(s), other than an interim employee, who is not on initial or promotional probation at the time the revised salary schedule becomes effective. For an employee whose salary is less than five (5) percent above the new entry level wage of the pay grade assigned to that employee on the effective date, the Personnel Cabinet shall adjust that employee's salary to five (5) percent above the new entry level wage.

Section 7. Paid Overtime. (1) Overtime for which pay is authorized shall be in accordance with 101 KAR 2:102, Section 5, and the Fair Labor Standards Act, 29 U.S.C. Section 201, et seq., as amended.

(2) Eligibility for overtime pay shall be approved by the appointing authority, and shall be subject to review by the Secretary of Personnel.

(3) An employee who is eligible for overtime shall request permission from or be directed in advance by the supervisor to work overtime.

(4) An overtime payment shall not be added to base salary or wages.

Section 8. Maintenance and Maintenance Allowance. If an employee, or the employee and family, is provided with full or partial maintenance, consisting of one (1) or more meals per day, lodging or living quarters, and domestic or other personal services, the maintenance shall be treated as partial payment of wages. The value of those services shall be deducted from the employee's salary in accordance with a maintenance schedule developed by the appropriate appointing authority after consultation with the Secretary of the Finance and Administration Cabinet.

Section 9. Supplemental Premiums. (1) Locality premium.

(a) Upon request by an appointing authority, the secretary may authorize the payment of a locality premium for an employee who is regularly or temporarily assigned to work in a job classification, work county, and organizational unit where the agency can demonstrate sustained recruitment and retention issues impacting the mission of the agency.

(b) Once authorized, this premium shall apply to all employees in that organizational unit who are regularly or temporarily assigned to work in the job classification and work county for which the locality premium is approved.

(c) An employee shall not receive a locality premium after transfer, reclassification, reallocation, detail to special duty, promotion or demotion to a position in a job classification, organizational unit, or work county that is ineligible for a locality premium.

(d) The secretary may rescind authorization to pay a locality premium for a job classification at any time.

(e) Locality premium pay shall not be considered a part of base pay or wages and shall not be applied to any leave time usage.

(2) Shift premium.

(a) Upon request by an appointing authority, the secretary may authorize the payment of a supplemental premium for an employee who is regularly assigned to work an evening or night shift in that agency.

(b) Once authorized, this premium shall apply to all employees in that agency who are regularly assigned to work an evening or night shift in a job classification for which the shift premium is approved.

(c) An employee shall not receive a shift premium after shift reassignment, transfer, promotion or demotion to a position that is ineligible for a shift differential premium.

(d) The secretary may rescind authorization to pay shift premium for a job classification at any time.

(e) Shift differential pay shall not be considered a part of base pay or wages and shall not be applied to any leave time usage.

(3) Weekend premium.

(a) Upon request by an appointing authority, the secretary shall authorize the payment of a weekend premium for an employee in a specific job classification who is regularly assigned to work on Saturdays, Sundays, or state holidays as part of the usual work week.

(b) Once authorized, the premium shall apply to all employees in the specified job classifications in that agency who are regularly assigned to work Saturdays, Sundays, or state holidays as part of their usual work week.

(c) An employee shall not receive a weekend premium after reassignment, transfer, promotion, or demotion to a position that is ineligible for weekend premium.

(d) The secretary may rescind authorization to pay weekend premium at any time.

(e) Weekend premium pay shall not be considered part of the employee's base salary or wages and shall not be applied to any leave time usage.

(f) An agency may request, and be authorized for, both shift premium and weekend premium for the same job classifications.

(4) Multilingual hourly premium.

(a) Upon request by an appointing authority, the secretary may authorize the payment of a supplemental multilingual hourly premium for an employee who is assigned to complete work duties in a specified foreign language. An employee completing work duties in a specified foreign language shall receive a multilingual hourly premium based on the percentage of time multilingual skills are performed. An employee in a job classification that includes interpreting services as a characteristic of the job on the job class specification shall not be eligible for this premium.

(b) Language proficiency testing shall be completed prior to an employee receiving the multilingual hourly premium. Testing shall indicate a standard level of multilingual proficiency as required by the appointing authority.

(c) An appointing authority shall submit the multilingual premium request to the Personnel Cabinet in writing. The request shall contain, at a minimum:

1. An explanation of the reason or reasons for granting the multilingual premium;

2. The percentage of time the employee will use multilingual skills; and

3. Certification by the appointing authority that the employee has completed multilingual testing and received a standard level of multilingual proficiency rating. This certification shall include the name of the testing facility or organization, the format of the test taken (oral, written, or a combination of oral and written), and the level of proficiency granted in the request for the multilingual premium.

(d) Once authorized, the multilingual hourly premium shall apply to all employees in that agency who are regularly assigned to complete work in a specified foreign language once the employees are individually approved in accordance with this subsection.

(e) An employee shall not receive a multilingual hourly premium after reassignment, reclassification, transfer, promotion, reallocation, or demotion to a position which no longer requires work in a specified foreign language.

(f) An employee who ceases to perform work duties in a specified foreign language shall not be eligible to receive a multilingual hourly premium.

(g) The secretary may rescind the multilingual hourly premium authorization provided to an agency or individual employee at any time.

(h) The multilingual hourly premium shall not be considered a part of base pay or wages and shall not be applied to any leave time usage.

(5) Critical position premium.

(a) Upon request by an appointing authority, the secretary may authorize the payment of a premium for a position held by an employee who has established an annual increment date and is regularly assigned to perform job duties that are deemed critical to the operation of the agency.

(b) A critical position premium may be authorized for at least one (1) full-time filled position in an office or department. The premium may be authorized for additional full-time filled positions if the total number of premiums does not exceed one (1) percent of the total number of full-time filled positions in an office or department.

(c) The premium shall not exceed twenty-five (25) percent of the employee's hourly rate.

(d) The critical position designation shall expire when the position becomes vacant.

(e) An employee shall not receive a critical position premium after transfer, reclassification, reallocation, detail to special duty, promotion, or demotion to a position in a different job classification, organizational unit, or work county, unless the appointing authority submits a new request, for approval by the secretary, to designate the position in the different job classification, organizational unit, or

work county as critical prior to the personnel action at issue.

(f) The appointing authority or the secretary may rescind authorization to pay a critical position premium at any time.

(g) A critical position premium shall not be considered a part of base pay or wages and shall not be applied to any leave time usage.

Section 10. Employee Recognition Award (ERA). (1) On the 16th day of a month, an appointing authority may grant an employee an ERA in the form of a lump sum payment of any whole percentage from one (1) to ten (10) percent of the grade midpoint under the following conditions:

(a) The employee has established an annual increment date and has worked at least twenty-four (24) consecutive months in KRS Chapter 18A state service, twelve (12) consecutive months of which is in the department or office granting the award;

(b) The employee has not received an ERA in the preceding twenty four (24) months, nor an Adjustment for Continuing Excellence (ACE) award in the preceding twelve (12) months; and

(c)1. The appointing authority determines that the employee's acts or ideas have resulted in significant financial savings or improvements in services to the Commonwealth and its citizens;

2. The employee has exhibited distinguished performance during participation in special projects that have had a significant beneficial impact on the department, office, or governmental operations; or

3. The employee has demonstrated a sustained level of exceptional job performance.

(2) An employee shall not be eligible for an ERA under this section for an act or idea that has been approved or submitted for consideration as an Employee Suggestion System Award. An employee who has received an ERA shall not be eligible to be considered for an Employee Suggestion System Award for those acts or ideas upon which the ERA is based.

(3) The granting of an ERA shall be within the sole discretion of the appointing authority.

(4) If an appointing authority grants an ERA, the justification for the award shall be stated in writing, and placed in the employee's personnel files.

(5) An appointing authority shall not grant an ERA to more than twenty-five (25) percent of the total number of full-time employees in a department or office in a calendar year.

(6) An appointing authority shall submit a written justification to the Personnel Cabinet to award an ERA. The justification shall:

(a) Explain the reason or reasons for the granting of the award; and

(b) Include a certification by the appointing authority that:

1. Sufficient funds are available within the department or office; and

2. The criteria and limitations established in this section have been met.

Section 11. Adjustment for Continuing Excellence (ACE) Award. (1) On the 16th day of a month, an appointing authority may grant a salary adjustment of any whole percentage from one (1) to ten (10) percent of the grade midpoint of the position in which the employee holds status to a full-time employee's base pay as an ACE award under the following conditions:

(a) The employee has an established annual increment date;

(b) The employee has worked at least twenty-four (24) consecutive months in KRS Chapter 18A state service, twelve (12) consecutive months of which shall have been served in the department or office granting the award;

(c) The employee has not received an ACE award in the preceding twenty-four (24) months or an ERA in the preceding twelve (12) months; and

(d)1. The employee has demonstrated a sustained level of exceptional job performance;

2. The employee has assumed a significant level of additional job responsibilities or duties consistent with the assigned job classification, and has performed them in an exceptional manner; or

3. The employee has acquired professional or technical skills or knowledge through department or office directed or authorized attainment of a job related licensure, certification, or formal training that will substantially improve job performance.

(2) An employee shall not be eligible for an ACE award under this section if an educational achievement award has been granted for the same training.

(3) The granting of an ACE award shall be within the sole discretion of the appointing authority.

(4) An appointing authority shall not grant an ACE award to more than twenty-five (25) percent of the total number of full-time employees in a department or office in a calendar year.

(5) An appointing authority shall submit a written justification to the Personnel Cabinet to grant an ACE award. The justification shall:

(a) Explain the reason or reasons for the granting of the award; and

(b) Include a certification by the appointing authority that:

1. The criteria and limitations established in this section have been met; and

2. Sufficient funds are available within the department's or office's current recurring base budget to support the award.

Section 12. Voluntary actions. An employee request for transfer, demotion, or promotion shall be documented on the Voluntary Transfer/Demotion/Promotion Employee Agreement Form in Accordance with 101 KAR 1:335 and 101 KAR 1:400.

Section 13. Incorporation by Reference. (1) "Voluntary Transfer/Demotion/Promotion Employee Agreement Form", September 2017, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Personnel Cabinet, 501 High Street, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

THOMAS B. STEPHENS, Secretary

APPROVED BY AGENCY: March 8, 2019

FILED WITH LRC: March 15, 2019 at 9 a.m.

CONTACT PERSON: Rosemary Holbrook, Executive Director, Office of Legal Services, 501 High Street, 3rd floor, Frankfort, Kentucky 40601, phone: (502) 564-7430, fax: (502) 564-0224, email: RosemaryG.Holbrook@ky.gov.

PERSONNEL CABINET
(As Amended at ARRS, May 14, 2019)

101 KAR 3:045. Compensation plan and pay incentives for unclassified service.

RELATES TO: KRS 18A.110, 18A.155, 18A.202, 199.555

STATUTORY AUTHORITY: KRS 18A.030(2), ***18A.110(2),*** 18A.155(1)(b), (e),***[~~18A.110(2),~~]*** 18A.202(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.155 requires the Secretary of Personnel to promulgate administrative regulations for persons in positions enumerated in KRS 18A.115(1)(g), (h), (i), (j), (k), (p), (t)**.** and (u). KRS 18A.110 requires the secretary to promulgate comprehensive administrative regulations for the unclassified service. KRS 18A.202 authorizes the secretary to implement work-related incentive programs for state employees. This administrative regulation establishes the compensation plan and pay incentives for employees in unclassified service.

Section 1. New Appointments. An appointing authority shall appoint a new employee at a salary not to exceed the midpoint of the pay grade.

Section 2. Reentrance to State Service. (1) Returning retirees. An employee who was formerly employed under KRS Chapter 18A and who is appointed to a position covered by the provisions of KRS Chapter 18A, while receiving retirement payments through the Kentucky Retirement Systems or Kentucky Teachers

Retirement System, shall be appointed in accordance with the provisions for new appointments in this administrative regulation.

(2) Other reentering employees. An appointing authority shall set the salary of a former classified or unclassified employee, other than a returning retiree:

(a) In accordance with the standards used for making new appointments in this administrative regulation; or

(b) Up to a salary formerly paid in the classified or unclassified service, if that salary is within the current pay grade.

Section 3. Salary Adjustments. (1) Promotion.

(a)1. An employee who is promoted shall receive a five (5) percent increase or an increase to the minimum of the new grade, whichever is greater; or

2. An appointing authority may grant a salary increase of five (5) percent per grade upon promotion.

(b) If sufficient funds are available, an appointing authority may adjust the employee's salary up to the midpoint of the pay grade as long as the increase is greater than the increase specified in subparagraph 1. of subsection (1)(a) of this section.

(2) Demotion. If an employee is demoted, the appointing authority shall determine the salary in one (1) of the following ways:

(a) The employee's salary shall be reduced to a rate that is not below the minimum for the job classification to which the demotion is made;[~~or~~]

(b) The employee shall retain the salary received prior to the demotion. If the employee's salary is not reduced upon demotion, the appointing authority shall explain the reason in writing and place the explanation in the employee's personnel files; or

(c) In the event of a salary schedule adjustment of an entry level wage of a pay grade, if an employee demoted to a lower pay grade, retained his or her salary, and was subsequently promoted and on promotional probation on the effective date of the new salary schedule, if the employee's salary is less than five (5) percent above the new entry level salary of the pay grade assigned to that employee on the effective date, the Personnel Cabinet shall adjust that employee's salary to five (5) percent above the new entry level wage.

(3) Reclassification.

(a) An appointing authority shall adjust the salary of an employee who is advanced to a higher pay grade through reclassification in one (1) of the following ways:

1. The greater of five (5) percent or the new grade minimum;

2. The greater of five (5) percent for each grade or the new grade minimum; or

3. If sufficient funds are available, up to the midpoint of the pay grade as long as the increase is greater than the increase specified in subparagraph 1. of this paragraph.

(b) An employee who is placed in a lower pay grade through reclassification shall receive the same salary received prior to reclassification.

(c) If sufficient funds are available, an appointing authority may adjust up to the midpoint of the pay grade the salary of an employee who is placed in the same pay grade through reclassification.

(d) An employee shall not be reclassified from a job classification that does not require the supervision of employees to a job classification that requires the supervision of employees as mandated within the job class specification.

(4) Reallocation.

(a) An employee who is advanced to a higher pay grade through reallocation shall receive a five (5) percent increase or an increase to the new grade minimum, whichever is greater. An appointing authority may grant a five (5) percent increase per grade upon reallocation to a higher grade.

(b) An employee who is placed in a lower pay grade through reallocation shall receive the same salary received prior to reallocation.

(5) Detail to special duty.

(a) An employee who is detailed to special duty in a higher grade shall receive a five (5) percent increase or an increase to the minimum of the grade, whichever is greater, for the duration of the period of the detail. An appointing authority may grant a salary increase of five (5) percent per grade for the duration of the detail.

(b) An employee who is detailed to special duty to the same or lower grade shall continue to receive the same salary.

(6) Reversion.

(a) The salary of an employee who is reverted following detail to special duty in a higher pay grade shall be adjusted to:

1. The salary received prior to the detail; and

2. All salary advancements and adjustments which would have been awarded if the detail had not occurred.

(b) The salary of an employee who is reverted from a position in the unclassified service to a position in the classified service shall be adjusted to:

1. The salary received prior to leaving the classified service; and

2. All salary advancements and adjustments which would have been awarded if the individual had remained in the classified service.

(7) Pay grade changes.

(a) If a job classification is assigned to a higher pay grade, the appointing authority shall raise the salary of an employee below the new grade minimum to the new grade minimum. If sufficient funds are available, an appointing authority may uniformly adjust the salary of all employees in that agency in that job classification to:

1. The greater of the new grade minimum or five (5) percent; or

2. The greater of the new grade minimum or ten (10) percent.

(b) If a job classification is assigned to a lower pay grade, an employee in that job classification shall retain his current salary.

(8) Special entrance rates. If a special entrance rate is established for a job classification, an appointing authority shall adjust the salary of an employee in that job classification, who is below the special entrance rate, to the new rate. If sufficient funds are available, on the same date as the establishment of the special entrance rate, an appointing authority may also grant a salary adjustment equal to the difference between the entrance of the pay grade[~~former entrance rate~~] and the new special entrance rate to other employees in that job classification, except those employees who are on initial probation.

(9) Other salary adjustments.

(a) On the 16th of a month, an appointing authority may grant a five (5) percent salary adjustment to an employee who was eligible for, but did not receive an increase upon the completion of six (6) months service following promotion.

(b) On the 16th of a month, an appointing authority may grant a salary adjustment to an employee within an agency who was eligible for, but did not receive at least a five (5) percent or ten (10) percent advancement as a result of a grade change on or after January 1, 1999. The total adjustment under this provision when combined with an increase at the time of the grade change shall equal five (5) percent or ten (10) percent of the employee's salary immediately prior to the grade change. Such adjustment shall not be retroactive.

(10) Conversion rule. The salary of an employee whose position changes from a thirty-seven and five-tenths (37.5) hour workweek to a forty (40) hour workweek, or vice versa, shall be converted to accurately reflect the employee's hourly rate of base pay. This conversion shall be applied before applying any other salary adjustment to which the employee is entitled pursuant to this section.

Section 4. Salary Advancements. (1) Initial appointment increase. An appointing authority may grant a five (5) percent increase to an employee, except an interim employee, on the first day of the month following completion of the greater of six (6) months of service or the months of service required by 101 KAR 1:325 Section 1 (2).

(2) Six (6) month promotional increase. An employee may receive a five (5) percent increase following the completion of the greater of six (6) months service after promotion or the months of service required by 101 KAR 1:325 Section 1 (2).

(3) Annual increment dates shall be established as follows:

(a) On the first day of the month following completion of the

initial probation period; or

(b) On the first day of the month following completion of twelve (12) months service since receiving the last annual increment for an employee, other than an interim employee, who returns from leave without pay.

(4) Annual increment dates shall not change if an employee:

(a) Is in a position which is assigned a new or different pay grade;

(b) Receives a salary adjustment as a result of his position being reallocated;

(c) Is promoted;

(d) Is transferred;

(e) Is demoted;

(f) Is detailed to special duty;

(g) Receives an educational achievement award;

(h) Returns from military leave;

(i) Is reclassified; or

(j) Receives an increase six (6) months following promotion.

(5) Return from leave without pay. An employee, other than an interim employee, returning to duty from leave without pay shall receive an annual increment on the first of the month after receiving compensation in any twelve (12) months since the last increment was received.

(6) Service computation. Full-time and part-time service shall be counted when computing service for purposes of determining increment eligibility. Service as an interim employee, or in the former seasonal, temporary, or emergency categories shall not be considered.

(7) Order of calculating increments and other salary increases which occur at the same time. If an employee's increment date occurs on the same date that a salary adjustment or advancement is granted, the increment shall be applied before the adjustment or advancement is added to the employee's salary, except if the adjustment is based on a reversion, pay grade change, a salary schedule change, or establishment of a special entrance rate.

Section 5. Educational Achievement Award. (1) On the 16th of a month, an appointing authority may grant a five (5) percent increase to an employee's base salary based on educational achievement as specified in this section.

(2) An agency may elect not to participate in the educational achievement program if sufficient funds are not available.

(3) An employee shall not receive more than one (1) educational achievement award in a fiscal year.

(4) An employee shall not receive an educational achievement award and an adjustment for continuing excellence (ACE) based on the same training.

(5) By submitting a personnel action to grant an educational achievement award, the appointing authority shall certify that all of the qualifying conditions established ***in subsection (5) of this Section[~~by this section~~]*** for the appropriate type of educational achievement award have been met.

(a) For a high school diploma, high school equivalency certificate, or a passing score on the GED test, the qualifying conditions shall be met if:

1. The employee has obtained the high school diploma, equivalency certificate, or passing score on the GED test:

a. Outside of work hours;

b. While in state service; and

c. After establishing an increment date.

2. The employee has not previously attained a high school diploma, equivalency certificate, or passing score on the GED test; and

3. The employee has not completed college coursework on the undergraduate or graduate level prior to obtaining the high school diploma, equivalency certificate, or a passing score on the GED test.

(b) For postsecondary education or training, the qualifying conditions shall be met if:

1. The employee has completed 260 hours of job-related instruction, or the equivalent;

2. The employee began the course work after becoming a state employee and completed the course work after establishing an increment date;

3. The employee has completed the course work within five (5) years of the date on which it was begun;

4. The course work has not previously been applied toward an educational achievement award;

5. The agency has not paid for the course work or costs associated with it, in whole or in part; and

6. The employee was not on educational or extended sick leave when the courses were taken.

Section 6. Salary Schedule Adjustment. (1) If the secretary authorizes an adjustment of the salary schedule, an appointing authority shall adjust the salaries of all employees below the new schedule entry level wage for the pay grade[~~minimum rate~~] to the new schedule entry level wage for the pay grade[~~minimum rate~~]. If sufficient funds are available, the secretary may authorize an appointing authority to grant a salary increase for all employees equal to the difference in the old schedule entry level wage[~~minimum~~] for the grade and the new schedule entry level wage[~~minimum~~] for the grade.

(2) After consultation with the state budget director, if sufficient funds are available, and the Secretary of Personnel determines that an increase in the entry level wage of one (1) or more pay grades is warranted, the Personnel Cabinet shall identify each currently active employee in the pay grade(s), other than an interim employee, who is not on initial or promotional probation at the time the revised salary schedule becomes effective. For an employee whose salary is less than five (5) percent above the new entry level salary of the pay grade assigned to that employee on the effective date, the Personnel Cabinet shall adjust that employee's salary to five (5) percent above the new entry level wage.

Section 7. Maintenance and Maintenance Allowance. If an employee, or the employee and family, is provided with full or partial maintenance, consisting of one (1) or more meals per day, lodging or living quarters, and domestic or other personal services, the maintenance shall be treated as partial payment of wages. The value of those services shall be deducted from the employee's salary in accordance with a maintenance schedule developed by the appropriate appointing authority after consultation with the Secretary of the Finance and Administration Cabinet.

Section 8. Supplemental Premiums. (1) Locality premium.

(a) Upon request by an appointing authority, the secretary may authorize the payment of a locality premium for an employee who is regularly or temporarily assigned to work in a job classification, work county, and organizational unit where the agency can demonstrate sustained recruitment and retention issues impacting the mission of the agency.

(b) Once authorized, this premium shall apply to all employees in that organizational unit who are regularly or temporarily assigned to work in the job classification and work county for which the locality premium is approved.

(c) An employee shall not receive a locality premium after transfer, reclassification, reallocation, detail to special duty, promotion, or demotion to a position in a job classification, organizational unit, or work county that is ineligible for a locality premium.

(d) The secretary may rescind authorization to pay a locality premium for a job classification at any time.

(e) Locality premium pay shall not be considered a part of base pay or wages and shall not be applied to any leave time usage.

(2) Shift premium.

(a) Upon request by an appointing authority, the secretary may authorize the payment of a supplemental premium for an employee who is regularly assigned to work an evening or night shift in that agency.

(b) Once authorized, this premium shall apply to all employees in that agency who are regularly assigned to work an evening or night shift in a job classification for which the shift premium is approved.

(c) An employee shall not receive a shift premium after shift reassignment, transfer, promotion, or demotion to a position that is

ineligible for a shift differential premium.

(d) The secretary may rescind authorization to pay shift premium for a job classification at any time.

(e) Shift differential pay shall not be considered a part of base pay or wages and shall not be applied to any leave time usage.

(3) Weekend premium.

(a) Upon request by an appointing authority, the secretary shall authorize the payment of a weekend premium for an employee in a specific job classification who is regularly assigned to work on Saturdays, Sundays, or state holidays as part of the usual work week.

(b) Once authorized, the premium shall apply to all employees in the specified job classifications in that agency who are regularly assigned to work Saturdays, Sundays, or state holidays as part of their usual work week.

(c) An employee shall not receive a weekend premium after reassignment, transfer, promotion, or demotion to a position that is ineligible for weekend premium.

(d) The secretary may rescind authorization to pay weekend premium at any time.

(e) Weekend premium pay shall not be considered part of the employee's base salary or wages and shall not be applied to any leave time usage.

(f) An agency may request, and be authorized for, both shift premium and weekend premium for the same job classifications.

(4) Multilingual hourly premium.

(a) Upon request by an appointing authority, the secretary may authorize the payment of a supplemental multilingual hourly premium for an employee who is assigned to complete work duties in a specified foreign language. An employee completing work duties in a specified foreign language shall receive a multilingual hourly premium based on the percentage of time multilingual skills are performed. An employee in a job classification that includes interpreting services as a characteristic of the job on the job class specification shall not be eligible for this premium.

(b) Language proficiency testing shall be completed prior to an employee receiving the multilingual hourly premium. Testing shall indicate a standard level of multilingual proficiency as required by the appointing authority.

(c) An appointing authority shall submit the multilingual premium request to the Personnel Cabinet in writing. The request shall contain, at a minimum:

1. An explanation of the reason or reasons for granting the multilingual premium;

2. The percentage of time the employee will use multilingual skills; and

3. Certification by the appointing authority that the employee has completed multilingual testing and received a standard level of multilingual proficiency rating. This certification shall include the name of the testing facility or organization, the format of the test taken (oral, written, or a combination of oral and written), and the level of proficiency granted in the request for the multilingual premium.

(d) Once authorized, the multilingual hourly premium shall apply to all employees in that agency who are regularly assigned to complete work in a specified foreign language once the employees are individually approved in accordance with this subsection.

(e) An employee shall not receive a multilingual hourly premium after reassignment, reclassification, transfer, promotion, reallocation, or demotion to a position which no longer requires work in a specified foreign language.

(f) An employee who ceases to perform work duties in a specified foreign language shall not be eligible to receive a multilingual hourly premium.

(g) The secretary may rescind the multilingual hourly premium authorization provided to an agency or individual employee at any time.

(h) The multilingual hourly premium shall not be considered a part of base pay or wages and shall not be applied to any leave time usage.

Section 9. Employee Recognition Award (ERA). (1) On the 16th day of a month, an appointing authority may grant an employee an ERA in the form of a lump sum payment of any whole percentage from one (1) to ten (10) percent of the grade midpoint under the following conditions:

(a) The employee has established an annual increment date and has worked at least twenty-four (24) consecutive months in KRS Chapter 18A state service, twelve (12) consecutive months of which is in the department or office granting the award;

(b) The employee has not received an ERA in the preceding twenty four (24) months, nor an Adjustment for Continuing Excellence (ACE) award in the preceding twelve (12) months; and

(c)1. The appointing authority determines that the employee's acts or ideas have resulted in significant financial savings or improvements in services to the Commonwealth and its citizens;

2. The employee has exhibited distinguished performance during participation in special projects that have had a significant beneficial impact on the department, office, or governmental operations; or

3. The employee has demonstrated a sustained level of exceptional job performance.

(2) An employee shall not be eligible for an ERA under this section for an act or idea that has been approved or submitted for consideration as an Employee Suggestion System Award. An employee who has received an ERA shall not be eligible to be considered for an Employee Suggestion System Award for those acts or ideas upon which the ERA is based.

(3) The granting of an ERA shall be within the sole discretion of the appointing authority.

(4) If an appointing authority grants an ERA, the justification for the award shall be stated in writing, and placed in the employee's personnel files.

(5) An appointing authority shall not grant an ERA to more than twenty-five (25) percent of the total number of full-time employees in a department or office in a calendar year.

(6) An appointing authority shall submit a written justification to the Personnel Cabinet to award an ERA. The justification shall:

(a) Explain the reason or reasons for the granting of the award; and

(b) Include a certification by the appointing authority that:

1. Sufficient funds are available within the department or office; and

2. The criteria and limitations established in this section have been met.

Section 10. Adjustment for Continuing Excellence (ACE) Award. (1) On the 16th day of a month, an appointing authority may grant a salary adjustment of any whole percentage from one (1) to ten (10) percent of the grade midpoint to a full-time employee's base pay as an ACE award under the following conditions:

(a) The employee has an established annual increment date;

(b) The employee has worked at least twenty-four (24) consecutive months in KRS Chapter 18A state service, twelve (12) consecutive months of which shall have been served in the department or office granting the award;

(c) The employee has not received an ACE award in the preceding twenty-four (24) months or an ERA in the preceding twelve (12) months; and

(d)1. The employee has demonstrated a sustained level of exceptional job performance;

2. The employee has assumed a significant level of additional job responsibilities or duties consistent with the assigned job classification, and has performed them in an exceptional manner; or

3. The employee has acquired professional or technical skills or knowledge through department or office directed or authorized attainment of a job related licensure, certification, or formal training that will substantially improve job performance.

(2) An employee shall not be eligible for an ACE award under this section if an educational achievement award has been granted for the same training.

(3) The granting of an ACE award shall be within the sole discretion of the appointing authority.

(4) An appointing authority shall not grant an ACE award to

more than twenty-five (25) percent of the total number of full-time employees in a department or office in a calendar year.

(5) An appointing authority shall submit a written justification to the Personnel Cabinet to grant an ACE award. The justification shall:

(a) Explain the reason or reasons for the granting of the award; and

(b) Include a certification by the appointing authority that:

1. The criteria and limitations established in this section have been met; and

2. Sufficient funds are available within the department's or office's current recurring base budget to support the award.

Section 11. Adoption Benefit Program. The provisions of the Adoption Benefit Program established in 101 KAR 2:120 shall apply to an employee in the unclassified service.

THOMAS B. STEPHENS, Secretary
MATTHEW G. BEVIN, Governor

CONTACT PERSON: Rosemary Holbrook, Executive Director, Office of Legal Services, 501 High Street, 3rd floor, Frankfort, Kentucky 40601, phone (502) 564-7430, fax (502) 564-0224, email RosemaryG.Holbrook@ky.gov.

FINANCE AND ADMINISTRATION CABINET
Teachers' Retirement System
(As Amended at ARRS, May 14, 2019)

102 KAR 1:060. Refunds.

RELATES TO: KRS 161.470, ***161.520,*** 161.700,***[~~161.520~~]***

STATUTORY AUTHORITY: KRS 161.310***, 161.470, 161.520***

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.310 requires the Board of Trustees of the[~~Kentucky~~] Teachers' Retirement System TRS[(~~KTRS~~)] to promulgate all administrative regulations for the administration of funds of the retirement system and for the transaction of business. KRS 161.470(6) provides that members of TRS[~~KTRS~~] may receive a refund of their contributions, less contributions to the medical insurance fund, upon withdrawal from service. KRS 161.520 provides, if a member dies, the member's accumulated contributions may be refunded to a surviving spouse, designated beneficiary, or to the member's estate. This administrative regulation provides the administrative procedures necessary to carry out the provisions of these statutes[~~this statute~~].

Section 1. Definitions.

(1) "Alternate payee" is defined by KRS 161.220(26).

(2) "Qualified domestic relations order" or "QDRO" is defined by KRS 161.220(25).

Section 2. Refunds shall be made on the basis of permanent withdrawal from service in a covered position. A refund shall not be made if the member is under contract for employment in a covered position.

Section 3. Partial refunds of member contributions shall only be permitted when a member cancels service credit and obtains credit for the service in a state or municipal retirement system outside Kentucky as provided in 102 KAR 1:045.

Section 4. Administrative Provisions.

(1) Following permanent withdrawal from service, a member may contact TRS[~~KTRS~~] and request a refund application. A refund shall not be processed earlier than sixty (60) days after the member's termination date.

(2) Upon receipt of a request for a refund, TRS[~~KTRS~~] shall review the member's account. If the member is eligible for service retirement, the member shall not refund the account unless:

(a) Denial of the refund will prohibit the member from qualifying for Social Security benefits; or

(b) The member will be using the refund to obtain credit in another retirement plan.

(3) If the member is eligible for service retirement as provided in KRS 161.600, TRS[~~KTRS~~] shall provide the member with instructions on how to apply for service retirement.

(4) If the member is eligible for a refund, TRS[~~KTRS~~] shall forward the following:

(a) A TRS[~~KTRS~~] Refund Application for Withdrawal of Account Balance form;

(b) A Direct Rollover Statement;

(c) A Refund Tax Notice; and

(d) A Special Tax Notice Regarding Plan Payments.

(5) If the member worked for multiple TRS[~~KTRS~~] employers, Section B***[~~only~~]*** of the application may be duplicated***[,]*** as needed.

(6) TRS[~~KTRS~~] may accept a photocopy or facsimile of Section B of the application from the employer.

(7) If the member has not made any contributions to TRS[~~KTRS~~] within the last two (2) fiscal years, Section B of the application shall not be completed.

(8) The member may choose one (1) of the following payment options:

(a) Refund paid directly to the member;

(b) Refund rolled into a qualified plan or IRA; or

(c) Partial payment to the member and the remainder of the refund rolled into a qualified plan or IRA. If the member chooses the rollover option, a minimum of $200 shall be rolled into a qualified plan or IRA.

(9) If the member chooses to have all or a portion of the refund rolled into a qualified plan or IRA, the member shall forward the Direct Rollover Statement to the qualified plan or IRA for completion.

(10) The member shall file the signed application with TRS[~~KTRS~~].

(11) The member shall also provide TRS[~~KTRS~~] with a photocopy of the member's:

(a) Signed Social Security card; and

(b) Valid driver's license.

(12) TRS[~~KTRS~~] shall not process the refund until the retirement system receives the member's completed application, signed Social Security card, valid driver's license, and if necessary, Direct Rollover Statement. TRS[~~KTRS~~] shall compare information provided by the employer in Section B of the application to the information previously provided by the employer in the annual statement or most recent payroll report to confirm the information. If there is a discrepancy between the information in Section B of the application and the information in the annual statement or most recent payroll report, TRS[~~KTRS~~] shall contact the employer to reconcile the information.

(13) A refund shall be processed at either the beginning or the middle of each month, whichever is the applicable date following receipt of the properly completed application.

(14) If the member requested a direct refund of the account balance, TRS[~~KTRS~~] shall mail the member:

(a) The refund check; and

(b) A letter that shall include a breakout of the gross, taxable, and net amount of the refund.

(15) If the member requests a partial or full rollover of the account balance, TRS[~~KTRS~~] shall mail the refund check directly to the qualified plan or IRA. The member shall receive a letter that shall confirm payment of the refund to the qualified plan or IRA.

(16) If a QDRO requires a portion of a member's refund to be paid to an alternate payee, the QDRO shall be submitted to TRS[~~KTRS~~] for approval as required by KRS 161.700 and 102 KAR 1:320.

(a) Following approval of the QDRO by TRS[~~KTRS~~] and entry by a court of competent jurisdiction, if the member is eligible for, and requests a refund, TRS[~~KTRS~~] shall forward the documents listed in subsection (4) of this section to the member.

(b) TRS[~~KTRS~~] shall forward to the alternate payee the following:

1. The Qualified Domestic Relations Order (QDRO)/Application for Withdrawal of Account Balance form (QDRO/Application);

2. The Qualified Domestic Relations Order (QDRO)/Direct Rollover Statement;

3. A Refund Tax Notice; and

4. A Special Tax Notice Regarding Plan Payments.

(c) The alternate payee shall file the QDRO/Application form with a copy of the Alternate Payee's signed Social Security card. If the alternate payee chooses to have all or a portion of his or her refund rolled into one (1) of the options set forth in subsection (8) of this section, the alternate payee shall forward the Qualified Domestic Relations Order (QDRO)/Direct Rollover Statement to the qualified plan or IRA for completion.

(d) TRS[~~KTRS~~] shall respond to the alternate payee as required by either subsection (14) or (15) of this section.

(17) Upon the death of an active, contributing member, a refund of the deceased member's account balance may be paid to:

(a) A surviving spouse who meets the requirements of KRS 161.520(2)(b);***[or]***

(b) The beneficiary designated by the deceased member; or

(c) The deceased member's estate.

(18) Upon the death of a retired member who Chose Option I, the Straight Life Annuity, a refund of contributions remaining in the deceased member's retirement account shall be made to the deceased member's designated beneficiary or estate.

(19) If a surviving spouse meets the requirements of KRS 161.520(3)(b)1 or 2 and wishes to waive the surviving spouse benefit, he or she shall execute a waiver prescribed by TRS.

(20) TRS shall forward either:

(a) A Refund Application for Deceased Member Account (Spouse or Non-Spouse Beneficiary) Form 12SP; or

(b) A Refund Application for Deceased Member Account – Estate, Form 12.

(21) A spouse or designated beneficiary may choose, if permitted by federal tax law, one (1) of the payment options set forth in ***subsection (8) of this Section[~~Section 4(8) of this administrative regulation~~]***.

(22) Photocopies of the spouse or designated beneficiary's signed Social Security card and valid driver's license shall be attached to the appropriate completed form. The refund shall be processed pursuant to ***subsections (13), (14), and (15) of this Section[~~Section 4(13), (14), and (15) of this administrative regulation~~]***.

(23)***[~~TRS shall not process a refund to a deceased member's estate earlier than ninety (90) days following the death of a member.~~***

(24)] TRS[~~KTRS~~] shall record the date of the refund on the member's account and designate the member's account status as refunded.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Refund Application for Withdrawal of Account Balance", 2016;

(b) "Direct Rollover Statement", 2016;

(c) "Refund Tax Notice", 2016;

(d) "Special Tax Notice Regarding Plan Payments", 2016;

(e) "Qualified Domestic Relations Order (QDRO)/Application for Withdrawal of Account Balance", 2016;***[~~and~~]***

(f) "Qualified Domestic Relations Order (QDRO)/Direct Rollover Statement", 2016;

(g) "Refund Application for Deceased Member Account (Spouse or Non-Spouse Beneficiary)" Form 12SP, January, 2019; ***and***

(h) "Refund Application for Deceased Member Account – Estate" Form 12, January, 2019;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Teachers' Retirement System, 479 Versailles Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m.

RON SANDERS, Chairperson

APPROVED BY AGENCY: December 17, 2018

FILED WITH LRC: January 15, 2019 at noon

CONTACT PERSON: Robert B. Barnes, Deputy Executive Secretary of Operations and General Counsel, Teachers' Retirement System, 479 Versailles Road, Frankfort, Kentucky 40601, phone (502) 848-8508, fax (502) 573-0199, email Beau.Barnes@trs.ky.gov.

GENERAL GOVERNMENT CABINET
State Board of Accountancy
(As Amended at ARRS, May 14, 2019)

201 KAR 1:290. Standards of practice.

RELATES TO: KRS 325.240, 325.340(1)(c)

STATUTORY AUTHORITY: KRS 325.240(2); 15 U.S.C. 98; 29 U.S.C. 18; 31 U.S.C. 75; 31 U.S.C. 330; 2 C.F.R. Subtitle A Chapter II Part 200 Subpart F; 29 C.F.R. Subtitle A Part 99; and 31 C.F.R. Subtitle A, Part 10.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 325.240(2) authorizes the Kentucky State Board of Accountancy to promulgate administrative regulations to establish and maintain a high standard of integrity and dignity in the profession of public accounting. This administrative regulation is necessary to ensure licensees follow specific accounting standards and principles that are nationally and internationally recognized and in some instances required by federal law, when performing a regulated activity. The Single Audit Act Amendments of 1996, 31 U.S.C. 75 and 2 C.F.R. Subtitle A Chapter II Part 200, require Generally Accepted Government Auditing Standards be adhered to when performing of audits of state and local governments and nonprofit entities that receive federal awards. 2 C.F.R. Subtitle A Chapter II Part 200 Subpart F of the Office of Management and Budgets Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, provides the government-wide guidelines and policies on conducting audits to comply with the Single Audit Act, and reiterates the requirement to use Generally Accepted Government Auditing Standards. The Sarbanes-Oxley Act of 2002, 15 U.S.C. 98, authorizes the Public Company Accounting Oversight Board to establish standards that licensees shall follow when performing audits of U.S. publicly traded companies. 31 U.S.C. 330 authorizes the Secretary of the United States Treasury Department to regulate licensees who practice before the Internal Revenue Service. 31 C.F.R. Subtitle A, Part 10 contains the procedures that licensees shall follow when practicing before the IRS. A CPA shall comply with the reporting requirements in The Employee Retirement Security Act of 1974, 29 U.S.C. 18, when performing an audit of an employee retirement plan created under the act. This administrative regulation establishes the standards of practice for CPAs and public accounting firms.

Section 1. Definitions.

(1) "AICPA" means the American Institute of Certified Public Accountants. (www.aicpa.org)

(2) "Audit" means an engagement performed in accordance with generally accepted auditing standards ***(GAAS)*** promulgated by the American Institute of Certified Accountants ***(AICPA)*** to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, thereby enabling the licensee to express an opinion on whether the financial statements are presented fairly, in all material respects, in accordance with an applicable financial reporting framework.

(3) "Board" is defined by KRS 325.220(2).

(4) "Client" means a person or entity that retains a licensee to provide a regulated activity as defined in KRS 325.220 (9) (a).

(5) "Compilation" means an engagement to apply accounting and financial reporting expertise to assist management in the presentation of financial statements and report in accordance with the Statements on Standards for Accounting and Review Services without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements in order for them to be in accordance with the applicable financial reporting framework.

(6) "DOL" means the United States Department of Labor.

(www.dol.gov.)

(7) "Financial statement" means a presentation of financial data, including accompanying notes, derived from accounting records and intended to communicate an entity's economic resources and obligations at a point in time, or the changes therein for a period of time, in accordance with generally accepted accounting principles ***(GAAP)*** or another financial reporting financial framework. General use financial statements, financial forecasts, projections, and similar presentations are considered financial statements.

(8) "GAAP" means generally accepted accounting principles that describe accepted accounting practices at a particular time and include broad guidelines of general applications and detailed practices and procedures that provide a standard by which to measure financial presentations.

(9) "GAAS" means generally accepted auditing standards.

(10) "GAO" means the Government Accountability Office***["]***. (www.gao.gov).

(11) "IAASB" means the International Auditing and Assurance Standards Board. (www.iaasb.org)

(12) "IFAC" means the International Federation of Accountants. (www.ifac.org)

(13) "Licensee" is defined by KRS 325.220(6)***.***

(14) "PCAOB" means the Public Accounting Standards Board. (www.pcaobus.org)

(15) "Regulated activity" is defined by KRS 325.220(9) (a).

(16) "Review" means an engagement to obtain limited assurance as a basis for reporting whether the licensee is aware of any material modifications that should be made to the financial statements for them to be in accordance with generally acceptable accounting principles or other financial reporting framework, primarily through the performance of inquiry and analytical procedures.

(17) "SEC" means the United States Securities and Exchange Commission. (www.sec.gov.)

Section 2. Standards of Practice. When performing a regulated activity, a licensee shall comply with ***29 U.S.C. 18 and*** the following appropriate practice standards:

(1) ***The*** AICPA Professional Standards ***as reflected in the following documents:***

(a) General Principles for Engagements Performed in Accordance with Statements on Standards for Accounting and Review Services;

(b) Review of Financial Statements, SSARS 21 and 23;

(c) Review of Financial Statements, SSARS 21, 23, and 24;

(d) Compilation Engagements;

(e) General Principles for Engagements Performed in Accordance with Statements on Standards for Accounting and Review Services, SSARS 21 and 23;

(f) General Principles for Engagements Performed in Accordance with Statements on Standards for Accounting and Review Services, SSARS 21, 23, and 24;

(g) Preparation of Financial Statements;

(h) Statements on Standards for Valuation Services;

(i) Review of Financial Statements: Accounting and Review Services;

(j) Special Considerations-International Reporting Issues; and

(k) Review of Financial Statements: Accounting and Review Services Interpretation of Section 90.

(2) Government Auditing Standards, Yellow Book;

(3) Auditing Standards of the Public Company Accounting Oversight Board; ***and***

(4) International Standards on Auditing issued by the IAASB and published on the IFAC web site. (www.ifac.org.)***[~~; and~~***

~~(5) The Employee Retirement Security Act of 1974, 29 U.S.C. 18~~].

Section 3. Accounting Principles.

(1) A licensee who is aware that the financial statement or financial data of any entity contains a departure from the applicable financial reporting framework that has a material effect on the financial statement or financial data taken as a whole shall not:

(a) Express an opinion or state affirmatively that the financial statement or financial data are presented in conformity with the applicable financial reporting framework; or

(b) State that he or she is unaware of any material modifications that should be made to the statements in order for them to be in conformity with the applicable financial reporting framework.

(2) Financial statements may depart from the applicable financial reporting framework, if the licensee:

(a) Demonstrates that due to unusual circumstances the financial statements or data would otherwise be misleading;

(b) Describes the departure;

(c) States the approximate effects, if practicable; and

(d) Explains the reasons why compliance with the applicable financial reporting framework would result in a misleading statement.

Section 4. Generally Accepted Auditing Standards. A licensee engaged to audit financial statements shall comply with following standards:

(1) Generally accepted auditing standards for audits of public companies required to register with the SEC shall use the Auditing Standards of the Public Company Accounting Oversight Board;

(2) Generally accepted auditing standards for federal agencies or entities receiving significant federal financial assistance shall use Government Auditing Standards, Yellow Book issued by the GAO, Comptroller General of the United States;

(3) Generally accepted auditing standards for all entities except those specified in subsection (1) and (2) of this section known as the AICPA Professional Standards ***and that includes the documents listed in Section 2(1)(a) through (k) of this administrative regulation***; or

(4) International Standards on Auditing issued by the IAASB and published on the International Federation of Accountants Web site (www.ifac.org) in the following cases:

(a) The standards in subsection (1) or (3) of this section, as applicable to the specific audit engagement, do not prohibit the use of those standards; or

(b) The parent company of the entity being audited is located in a foreign country and requires the use of those standards.

Section 5. Practice before the Internal Revenue Service. A licensee shall comply with the standards contained in the United States Department of Treasury Circular Number 230 (2014) 31 C.F.R. Subtitle A, Part 10, (2014).

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "AICPA Professional Standards," December 2015 Edition;

1. "General Principles for Engagements Performed in Accordance with Statements on Standards for Accounting and Review Services", December 15, 2015;

2. "Review of Financial Statements, SSARS 21 and 23", December 15, 2015;

3. "Review of Financial Statements, SSARS 21, 23, and 24", December 15, 2015;

4. "Compilation Engagements", December 15, 2015;

5. "General Principles for Engagements Performed in Accordance with Statements on Standards for Accounting and Review Services, SSARS 21 and 23", December 15, 2015;

6. "General Principles for Engagements Performed in Accordance with Statements on Standards for Accounting and Review Services, SSARS 21, 23, and 24", December 15, 2015;

7. "Preparation of Financial Statements", December 15, 2015;

8. "Statements on Standards for Valuation Services", June 2007;

9. "Review of Financial Statements: Accounting and Review Services", February 2016;

10. "Special Considerations-International Reporting

Issues", June 15, 2019; and

11. "Review of Financial Statements: Accounting and Review Services Interpretation of Section 90", February 2016;

(b) "Government Auditing Standards, Yellow Book", July 2018 Edition;

(c) "Auditing Standards of the Public Company Accounting Oversight Board", December 15, 2017 Edition; and

(d) "International Standards on Auditing," 2017 Edition.

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

TONI CARVER SMITH, CPA, President

APPROVED BY AGENCY: February 13, 2019

FILED WITH LRC: February 14, 2019 at noon

CONTACT PERSON: Richard C. Carroll, Executive Director, Kentucky State Board of Accountancy, 332 W. Broadway, Suite 310, Louisville, Kentucky 40202, Phone (502) 595-3037, fax (502) 595-4281, dick.carroll@ky.gov.

GENERAL GOVERNMENT CABINET
Kentucky State Board of Accountancy
(As Amended at ARRS, May 14, 2019)

201 KAR 1:300. Rules of professional conduct.

RELATES TO: KRS 325.240, 325.340

STATUTORY AUTHORITY: KRS 325.240

NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 325.240(2) authorizes the Kentucky State Board of Accountancy to promulgate administrative regulations for the administration of KRS Chapter 325, and to establish and maintain a high standard of integrity and dignity in the profession of public accounting.***[~~Pursuant to KRS 325.240, the Kentucky State Board of Accountancy may promulgate rules of professional conduct.~~] This administrative regulation ***establishes[is necessary to establish]*** the Kentucky State Board of Accountancy Rules of Professional Conduct ***that[, The State Board of Accountancy decided to adopt and]*** incorporate by reference the AICPA Code of Professional Conduct.[~~that are patterned after the Code of Professional Conduct adopted by the American Institute of Certified Public Accountants (AICPA). The function of this administrative regulation is to adopt appropriate rules of professional conduct to establish and maintain a high standard of integrity and dignity in the public accounting profession.~~]***[The State Board of Accountancy may review the AICPA's interpretations of its code of professional conduct for guidance when applying the provisions of this administrative regulation.]***

Section 1. Definitions. (1) "AICPA" means the American Institute of Certified Public Accountants.

(2)["~~Audit" means an examination of financial statements of an entity in accordance with standards promulgated by the American Institute of Certified Public Accountants (AICPA), including generally accepted auditing standards (GAAS) and upon which an opinion is expressed or disclaimed regarding whether the financial statements conform to generally accepted accounting principles (GAAP) or other comprehensive basis of accounting~~.

~~(3)~~] "Board" is defined by[~~in~~] KRS 325.220(1).[~~(4) "Client" means a person or entity which retains a licensee to provide public accounting services~~.

~~(5) "Commission" means any item of value given or received by a licensee to or from any third party in return for suggesting the purchase of any product or service.~~

~~(6) "Compilation" means presenting in the form of financial statements information that is the representation of management or owners without undertaking to express any assurance on the statements.~~

~~(7) "Contingent fee" means a fee established for the performance of any public accounting service pursuant to a written or oral agreement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of the service.~~

~~(8) "Financial statement" means a presentation of financial data, including accompanying notes, derived from accounting records and intended to communicate an entity's economic resources and obligations at a point in time, or the changes therein for a period of time, in accordance with generally accepted accounting principles (GAAP) or a comprehensive basis of accounting other than generally accepted accounting principles (GAAP).~~

~~(a) General use financial statements, financial forecasts, projections and similar presentations are considered financial statements.~~

~~(b) Financial presentations included in tax returns are not financial statements.~~

~~(9) "Generally accepted accounting principles (GAAP)" means the conventions, rules, and procedures which describe accepted accounting practices at a particular time and include broad guidelines of general applications and detailed practices and procedures that provide a standard by which to measure financial presentations.~~

~~(10) "Review" means performing inquiry and analytical procedures that provide the licensee with a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the financial statements for them to be in conformity with generally accepted accounting principles (GAAP) or, if applicable, with another comprehensive basis of accounting.~~

~~Section 2. Independence. (1) A licensee or a firm shall not express an opinion on financial statements of an entity unless he and the firm are independent with respect to the entity.~~

~~(2) Prior to expressing an opinion on financial statements, the licensee shall assess his relationship with the entity to determine whether his opinion will be considered independent, objective and unbiased by a third party having knowledge of all facts referring to the relationship between the licensee and the entity.~~

~~(3) A licensee shall not be considered to be independent if during the period:~~

~~(a) Of the engagement or at the time of expressing his opinion, the licensee or his firm:~~

~~1. Had or was committed to acquire any direct or material indirect financial interest in the entity;~~

~~2. Was a trustee of any trust or executor or administrator of any estate if the trust or estate had or was committed to acquire any direct or material indirect financial interest in the entity;~~

~~3. Had any joint, closely held business investment with the entity or any officer, director or principal stockholder which was material in relation to the licensee's or his firm's net worth;~~

~~4. Had any loan to or from the entity or to or from any officer, director or principal stockholder of the entity.~~

~~(b) Covered by the financial statements, the period of the professional engagement or at the time of expressing an opinion, the licensee or his firm served as a:~~

~~1. Promoter, underwriter, voting trustee, director, officer or in any capacity equivalent to that of a member of management or an employee of the entity; or~~

~~2. Trustee for a pension or profit sharing trust of the entity.~~

~~(4) The restriction found in subsection (3)(a)4 of this section shall not apply to the following loans obtained from a financial institution prior to January 1, 1992, which are current as to all terms of the loan, were made under normal lending procedures, terms and requirements, and have not been renegotiated:~~

~~(a) Loans obtained by a licensee or his firm which are not material in relation to the net worth of the borrower;~~

~~(b) Home mortgages; and~~

~~(c) Other secured loans, except loans guaranteed by a licensee's firm which are otherwise unsecured.~~

~~Section 3. Integrity and Objectivity. A licensee engaged in the practice of public accounting shall maintain objectivity, integrity, and be free of conflicts of interest. The licensee shall not~~

~~subordinate his judgment to others.~~

~~Section 4. Competence. A licensee or a firm engaged in the practice of public accounting shall:~~

~~(1) Perform, or offer to perform, only those professional services that he or his firm may reasonably expect to complete with professional competence;~~

~~(2) Exercise due professional care in the performance of professional services;~~

~~(3) Adequately plan and supervise the performance of professional services; and~~

~~(4) Obtain sufficient relevant data to afford a reasonable basis for conclusions or recommendations in relation to any professional services performed.~~

~~Section 5. Standards of Practice. When performing an audit, review, compilation, or any other professional service within the practice of public accounting, the licensee and his firm shall comply with the following appropriate practice standards and all revisions promulgated after these dates:~~

~~(1) Generally accepted auditing standards (GAAS) as reflected in the following documents:~~

~~(a) "AICPA Professional Standards", Volume 1, U.S. Auditing Standards, Section AU, as of June 1, 2001;~~

~~(b) Government Auditing Standards, "Yellow Book", General Accounting Office, 1994 revision;~~

~~(c) "Interpretation of Continuing Education and Training Requirements", Government Auditing Standards, General Accounting Office, April, 1991; and~~

~~(2) Other applicable standards:~~

~~(a) "AICPA Professional Standards", Volume 1, Attestation Engagements, Section AT, as of June 1, 2001;~~

~~(b) "AICPA Professional Standards", Volume 2, Accounting and Review Services, Section AR, as of June 1, 2001;~~

~~(c) "AICPA Professional Standards", Volume 2, Consulting Services, Section CS, as of June 1, 2001;~~

~~(d) "AICPA Professional Standards", Volume 2, Tax Practice, Section TX, as of June 1, 2001;~~

~~(e) "AICPA Professional Standards", Volume 2, Quality Control, Section QC, as of June 1, 2001; or~~

~~(f) "AICPA Professional Standards", Volume 2, Personal Financial Planning, Section PFP, as of June 1, 2001.~~

~~Section 6. Accounting Principles. (1) A licensee who is aware that the financial statement or financial data of any entity contains a departure from GAAP that has a material effect on the financial statement or financial data taken as a whole shall not:~~

~~(a) Express an opinion or state affirmatively that the financial statement or financial data are presented in conformity with GAAP or another comprehensive basis of accounting; or~~

~~(b) State that he is unaware of any material modifications that should be made to the statements in order for them to be in conformity with GAAP.~~

~~(2) Notwithstanding subsection (1) of this section, financial statements may depart from GAAP, if the licensee:~~

~~(a) Demonstrates that due to unusual circumstances the financial statements or data would otherwise have been misleading;~~

~~(b) Describes the departure;~~

~~(c) States the approximate effects, if practicable; and~~

~~(d) Explains the reasons why compliance with GAAP would result in a misleading statement.~~

~~(3) GAAP is established by principles, practices, or guidance provided in statements, interpretations, bulletins, guides, and other documents identified in "AICPA Professional Standards", Volume 1, U.S. Auditing Standards, Section AU 411, as of June 1, 2001.~~

~~Section 7. Confidential Client Information. A licensee shall comply with the requirements of KRS 325.440 relating to the disclosure of confidential client information.~~

~~Section 8. Client Records. (1) A licensee shall comply with the requirements of KRS 325.420 relating to the ownership of accountant's working papers - client records.~~

~~(2) The licensee shall not have a lien on these accounting or other records.~~

~~Section 9. Advertising and Other Forms of Solicitation. A licensee shall not seek to obtain clients by:~~

~~(1) Advertising or other forms of solicitation that are false, misleading, or deceptive; or~~

~~(2) The use of coercion, overreaching or harassing conduct.~~

~~Section 10. Commissions. (1) A licensee shall not recommend or refer to a client any product or service in exchange for a commission, recommend any product or service to be supplied by his client to a third party, or receive a commission when the licensee or the licensee's firm also performs for that client:~~

~~(a) An audit or review of a financial statement;~~

~~(b) A compilation of a financial statement when the licensee expects or reasonably might expect that a third party will use the financial statement and the licensee's report does not disclose a lack of independence; or~~

~~(c) An examination of prospective financial information.~~

~~(2) The prohibition of subsection (1) of this section applies during the period in which the licensee is engaged to perform any of the services listed in subsection (1)(a), (b), and (c) of this section and the period covered by any historical financial statements involved in the listed services.~~

~~(3) A licensee who is not prohibited from receiving a commission and who is paid or expects to be paid a commission shall disclose that fact in writing to any person or entity to whom the licensee recommends or refers a product or service to which the commission relates.~~

~~(4) A licensee who accepts a fee for recommending or referring any service of another licensee to any person or entity or who pays a fee to obtain a client shall disclose the receipt or payment of the fee to the client.~~

~~(5) This rule shall not prohibit:~~

~~(a) Payments for the purchase of an accounting practice; or~~

~~(b) Retirement payments to individuals, and their heirs or estates, who were formerly engaged in the practice of public accounting.~~

~~Section 11. Contingent Fees. (1) A licensee shall not accept or perform any public accounting services for a contingent fee or receive a contingent fee from a client for whom the licensee or the licensee's firm performs:~~

~~(a) An audit;~~

~~(b) A review;~~

~~(c) A compilation of a financial statement when the licensee expects or reasonably might expect that a third party will use the financial statement and the licensee's report does not disclose a lack of independence; or~~

~~(d) An examination of prospective financial information.~~

~~(2) The prohibition of subsection (1) of this section applies during the period of time in which the licensee is engaged to perform those services and the period covered by any historical financial statements involved in those services.~~

~~(3) A licensee in public practice shall not prepare for a contingent fee:~~

~~(a) An original or amended tax return or claim for a tax refund. Preparation of an original or amended tax return or claim for tax refund includes giving advice on events which have occurred at the time the advice is given if that advice is directly relevant to determining the existence, character, or amount of a schedule, entry, or other portion of a return or claim for refund; or~~

~~(b) An amended federal or state income tax return for a client claiming a refund of taxes because a deduction was inadvertently omitted from the return originally filed when there is no question as to the propriety of the deduction, rather the claim is filed to correct an omission.~~

~~(4) The following are examples of circumstances where a contingent fee would be permitted regardless of whether the licensee or licensee's firm is performing the services specified in subsection (1) of this section:~~

~~(a) Representing a client in an examination by a revenue agent of the client's federal or state income tax return;~~

~~(b) Filing an amended federal or state income tax return claiming a tax refund based on a tax issue that is either the subject of a test case by a different taxpayer or with respect to which the taxing authority is developing a position;~~

~~(c) Filing an amended federal or state income tax return or refund claim which claims a tax refund in an amount greater than the threshold for review by the Joint Committee on Internal Revenue Taxation ($1,000,000 at March, 1991) or state taxing authority;~~

~~(d) Requesting a refund of either overpayments of interest or penalties charged to a client's account or deposits of taxes improperly accounted for by the federal or state taxing authority in circumstances where the taxing authority has established procedures for the substantive review of such refund requests;~~

~~(e) Requesting, by means of protest or similar document, consideration by the state or local taxing authority of a reduction in the assessed value of property under an established taxing authority review process for hearing all taxpayer arguments relating to assessed value; or~~

~~(f) Representing a client to obtain a private letter ruling or influencing the drafting of an administrative regulation or statute.~~

~~(5) Fees shall not be considered as contingent:~~

~~(a) If fixed by courts or other public authorities; or~~

~~(b) In tax matters if determined based on the results of judicial proceedings or the findings of governmental agencies. A fee is considered determined based on the findings of governmental agencies, if the licensee can demonstrate a reasonable expectation at the time of the fee arrangement, of substantive consideration by an agency with respect to the licensee's client. The expectation is deemed not reasonable in the case of preparation of original tax returns.~~

~~(6) Fees may vary depending on the complexity of services rendered.~~]

Section 2.[~~12.~~] ***Each licensee and firm shall comply with the AICPA's interpretation of the rules of professional conduct in the AICPA Code of Professional Conduct adopted by the board.***

Section 3. Incorporation by Reference. (1) "AICPA Code of Professional Conduct", December 2014, is incorporated by reference. [~~The following material is incorporated by reference:~~

~~(a) "AICPA Professional Standards", Volume 1, U.S. Auditing Standards, Section AU, as of June 1, 2001;~~

~~(b) Government Auditing Standards, "Yellow Book", General Accounting Office, 1994 revision;~~

~~(c) "Interpretation of Continuing Education and Training Requirements", Government Auditing Standards, General Accounting Office, April, 1991;~~

~~(d) "AICPA Professional Standards", Volume 1, Attestation Engagements, Section AT, as of June 1, 2001;~~

~~(e) "AICPA Professional Standards", Volume 2, Accounting and Review Services, Section AR, as of June 1, 2001;~~

~~(f) "AICPA Professional Standards", Volume 2, Consulting Services, Section CS, as of June 1, 2001;~~

~~(g) "AICPA Professional Standards", Volume 2, Tax Practice, Section TX, as of June 1, 2001;~~

~~(h) "AICPA Professional Standards", Volume 2, Quality Control, Section QC, as of June 1, 2001;~~

~~(i) "AICPA Professional Standards", Volume 2, Personal Financial Planning, Section PFP, as of June 1, 2001; and~~

~~(j) "GAAP" as established in "AICPA Professional Standards", Volume 1, U.S. Auditing Standards, Section AU 411, as of June 1,2001.~~]

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

TONI CARVER SMITH, President
APPROVED BY AGENCY: March 7, 2019
FILED WITH LRC: March 11, 2019 at 10 a.m.
CONTACT PERSON: Richard C. Carroll, Executive Director, Kentucky State Board of Accountancy, 332 W. Broadway, Suite 310, Louisville, Kentucky 40202, phone (502) 595-3037, fax (502) 595-4281, email dick.carroll@ky.gov.

GENERAL GOVERNMENT CABINET
Kentucky State Board of Accountancy
(As Amended at ARRS, May 14, 2019)

201 KAR 1:310. Expungement of minor violation.

RELATES TO: KRS 325.240(2)
STATUTORY AUTHORITY: KRS 325.240(2), 325.340(5)
NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 325.240(2) authorizes the Kentucky State Board of Accountancy to promulgate administrative regulations to administer KRS Chapter 325.*** KRS ***325.340[325.240]***(5) ***requires[directs]*** the ***board[Kentucky State Board of Accountancy]*** to promulgate an administrative regulation to establish ***procedures[a procedure]*** to expunge a minor violation. This administrative regulation ***establishes those expungement procedures[describes that procedure]***.

Section 1. Definition. "Expungement" means***[that]*** all affected records ***are[shall be]*** sealed and***[that]*** the proceedings to which ***the records[they]*** refer***[shall be deemed]*** never***[to have]*** occurred.

Section 2. A licensee whose record has been expunged may properly reply***, upon inquiry,*** that disciplinary records do not exist ***[upon inquiry]***.

Section 3. Any licensee seeking expungement of a minor violation from the licensee's record shall submit to the board a written request that specifically demonstrates satisfaction of each of the elements for expungement identified in KRS 325.340(4).

Section 4. (1) Upon receipt of the written request, the board shall***:***

(a) Review the request for expungement***;*** and

(b)[shall] Provide the licensee with a written response granting or denying the request.

(2) If the request is denied, the board shall ***explain[set forth]*** the basis for its denial.

Section 5. (1) If an applicant for expungement disagrees with the board's determination under this section, he or she may file a written request for a hearing before the board.

(2) The hearing request shall***:***

(a) Be received by the board within twenty (20) days from the date of the issuance of the decision to deny the request***;[,]*** and

(b) Explain[shall set forth] the grounds upon which the applicant challenges the board's determination.

(3) A hearing held pursuant to the provisions of this subsection shall be conducted in accordance with KRS 325.360.

TONI CARVER SMITH, CPA, President
APPROVED BY AGENCY: February 13, 2019
FILED WITH LRC: February 14, 2019 at noon
CONTACT PERSON: Richard C. Carroll, Executive Director, Kentucky State Board of Accountancy, 332 W. Broadway, Suite 310, Louisville, Kentucky 40202, phone (502) 595-3037, fax (502) 595-4281, email dick.carroll@ky.gov.

GENERAL GOVERNMENT CABINET
Board of Medical Imaging and Radiation Therapy
(As Amended at ARRS, May 14, 2019)

201 KAR 46:010. Definitions for 201 KAR Chapter 46.

RELATES TO: KRS 311B.020
STATUTORY AUTHORITY: KRS 311B.010, 311B.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.010 and 311B.050 require the Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to regulate medical imaging, radiation therapy, and related occupations. This administrative regulation establishes definitions for terms used in 201 KAR Chapter 46.

Section 1. Definitions. (1) "Accredited educational program" means an educational program accredited by the Joint Review Committee on Education in Radiologic Technology (JRCERT),[~~or~~] the Joint Review Committee on Educational Programs in Nuclear Medicine Technology (JRCNMT), or other accrediting agencies recognized by the American Registry of Radiologic Technologists (ARRT), which have been approved by the board.

(2) "Advanced imaging professional" means an individual who holds credentialing by the American Registry of Radiologic Technologists (ARRT)[(~~AART~~)] or by the Nuclear Medicine Technology Certification Board (NMTCB) as a registered radiologist assistant (R.R.A.) or nuclear medicine advanced associate (NMAA).

(3) "Alternate course of study" means an independent course of study that qualifies an individual to take an examination approved by the board.

(4) "Authorized user" is defined by KRS 311B.020(4).

(5) "Board" is defined by KRS 311B.020(5).

(6) "Clinical education" means the component of the educational program that provides for supervised, competency-based, clinical education and experience.

(7) "Computed tomography" or "CT" means the process of using specialized radiation producing equipment to create cross-sectional images of any part of the body.

(8) "Computed tomography technologist" or "CT technologist" means an individual who has obtained a post-primary certification in computerized tomography from the American Registry of Radiologic Technologists (ARRT).

(9) "Continuing education" is defined by KRS 311B.020(7).

(10) "Continuing education unit" or "CEU" means fifty (50) contact minutes of participation in a continuing education experience completed by:

(a) Attendance at a professional meeting;

(b) Documenting completed, approved independent study; or

(c) Documenting completed academic courses applicable to health care, medical imaging, radiation therapy, or related courses.

(11) "Contrast procedure" means a diagnostic or therapeutic procedure performed while administering contrast media into the human body to visualize anatomy not otherwise demonstrated on an image receptor.

(12) "Course of study" means a curriculum in radiologic technology, nuclear medicine technology, the advanced imaging profession, limited x-ray machine operation, or radiation therapy approved by the board.

(13) "Didactic education" means the component of the educational program that provides formal instruction with specific objectives and methods for assessing the student's progress for entry-level competency.

(14) "Direct supervision" means supervised by, and in the physical presence of, a licensed practitioner of the healing arts.

(15) "Educational program" means a board-approved, accredited educational program or limited x-ray machine operator program.

(16) "Facility" means a hospital, outpatient department, clinic, radiology practice, mobile unit, or office of a physician or portion thereof, in which medical imaging or radiation therapy are performed.

(17) "Indirect supervision" means supervised by a licensed practitioner of the healing arts who is immediately available in the individual's place of employment.

(18) "License" means the document issued to a licensee to work as an advanced imaging professional, a medical imaging technologist, a radiographer, a radiation therapist, a nuclear medicine technologist, or a limited x-ray machine operator in Kentucky.

(19) "Licensed practitioner" or "licensed practitioner of the healing arts" is defined by KRS 311B.020(8).

(20) "Licensee" means an individual licensed to perform the duties of an advanced imaging professional, a medical imaging technologist, a radiographer, a radiation therapist, a nuclear medicine technologist, or a limited x-ray machine operator.

(21) "Licensure" means the process by which a license is issued by the board pursuant to 201 KAR Chapter 46 and in accordance with KRS Chapter 311B.

(22) "Limited radiographic procedures" means the following procedures:

(a) Routine chest and thorax;

(b) Cranium;

(c) Extremity;

(d) Podiatric;

(e) Vertebral column radiography; and

(f) Bone densitometry procedures.

(23) "Limited x-ray machine operator" is defined by KRS 311B.020(9).

(24) "Medical Imaging" means producing visual images of the human body utilizing various types of energy and technologies to determine the presence of disease and injury. Medical imaging is used[~~and includes uses~~] for diagnostic, screening, treatment[~~,~~] and monitoring purposes.

(25) "Medical imaging technologist" is defined by KRS 311B.020(10).

(26) "National organization" is defined by KRS 311B.020 (11).

(27) "Nuclear medicine advanced associate" means an individual certified by the Nuclear Medicine Technology Certification Board (NMTCB) as a nuclear medicine advanced associate (NMAA) who works under the supervision of a radiologist or nuclear medicine physician, in accordance with practice standards.

(28) "Nuclear medicine technologist" is defined by KRS 311B.020(12).

(29) "Nuclear medicine technology" means technology applied by a nuclear medicine technologist utilizing radioactive material and with the nuclear medicine technologist being under the supervision of an authorized user.

(30) "PET" means the positron emission tomography.

(31) "Positron emission tomography" means the utilization of positron-emitting radioactive material for medical imaging under the supervision of an authorized user.

(32) "Practice standards" means the standards established by board-approved professional organizations that define the practice expectations of individuals within the professions.

(33) "Primary discipline" means radiography, nuclear medicine, and radiation therapy.

(34) "Professional educational guidelines" means curriculum and educational standards established by national organizations and approved by the board.

(35) "Program director" means an individual designated by a sponsoring institution to assure that the educational programs for an advanced imaging professional, a medical imaging technologist, a radiographer, a radiation therapist, a nuclear medicine technologist, and a limited x-ray machine operator are properly conducted.

(36) "Provisional nuclear medicine technology license" means a license issued by the board to an individual participating in the alternate nuclear medicine course of study approved by the board.

(37) "Provisional training license" means a license issued to a nuclear medicine technologist or a radiation therapist pursuing post-primary certification in computed tomography or a license issued to a radiographer or radiation therapist pursuing post-primary certification in PET.

(38) "Radiation safety officer" means an individual who has the training, knowledge, and responsibility to apply appropriate radiation safety practices.

(39) "Radiation therapist" is defined by KRS 311B.020(15).

(40) "Radiation therapy" means the therapeutic administration of ionizing radiation by a radiation therapist.

(41) "Radioactive materials" means a solid, liquid, or gas that emits ionizing radiation spontaneously.

(42) "Radiographer" is defined by KRS 311B.020(16).

(43) "Radiography" means:

(a) The utilization and administration of ionizing radiation to produce medically relevant images for the diagnosis of injury or disease**;** and

(b) Includes[shall include][includes] a comprehensive scope of diagnostic-radiologic procedures.

(44) "Radiologist assistant" means an individual certified by the American Registry of Radiologic Technologists (ARRT) as a registered radiologist assistant (R.R.A.) who works under the supervision of a radiologist, in accordance with supervision guidelines jointly established by the American College of Radiology (ACR), the American Society of Radiologic Technologists (ASRT), and the ARRT.

(45) "Radionuclide" means a radioactive element or a radioactive isotope.

(46) "Radiopharmaceuticals" means radioactive drugs used for the diagnosis and treatment of disease.

(47) "Scope of practice" means the parameter of the specific practice.

(48) "Source of radiation" means a radioactive material, device, or equipment emitting or capable of producing ionizing radiation.

(49) "Sponsoring institution" means an institution recognized by the board to provide a post-secondary educational program in medical imaging, limited x-ray machine operation, radiation therapy, or advanced imaging professions.

(50) "Student" means an individual enrolled in a board-recognized educational program.

(51) "Supervision of students" means supervised by a licensed practitioner of the healing arts or a licensee in the appropriate field of practice who directs the activity of students.

(52) "Temporary license" means a nonrenewable license issued by the board as established in 201 KAR Chapter 46 permitting an individual to practice for a specified period of time.

(53) "Therapeutic procedures" means medical treatments that can[may] help diagnose, cure, or treat a patient's condition.

AMY ADKINS, Chair

APPROVED BY AGENCY: March 13, 2019

FILED WITH LRC: March 15, 2019 at 10 a.m.

CONTACT PERSON: Elizabeth Morgan, Executive Director, Board of Medical Imaging and Radiation Therapy, 125 Holmes Street, Suite 320, Frankfort, Kentucky 40601, phone (502) 782-5687; fax (502) 782-6495; email elizabeth.morgan@ky.gov.

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Kentucky Board of Emergency Medical Services
(As Amended at ARRS, May 14, 2019)

202 KAR 7:520. Allocation of block grant funding assistance for emergency medical services.

RELATES TO: KRS 311A.010, 311A.030(2), 311A.035, 311A.050, 311A.055, 311A.060, 311A.155, 311A.190, 2 C.F.R. 215-225

STATUTORY AUTHORITY: KRS 311A.155(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.155(3)[311A.115(3)] ***requires the Kentucky Board of Emergency Medical Services to administer the emergency medical services grant program, and*** authorizes the ***board[Kentucky Board of Emergency Medical Services]*** to promulgate administrative regulations concerning the implementation[receiving] and operation[disposing] of the emergency ***medical*** services grant program[funds]. KRS 311A.155***(1) requires[authorizes]*** the ***board[Kentucky Board of Emergency Medical Services]*** to maintain a block grant fund program for the purpose of assisting units of local government in the provision of emergency medical services. This administrative regulation establishes standards and criteria governing the allocation of emergency medical services funding assistance to eligible applicants.

Section 1. Eligibility to Receive EMS Grant Funding. (1) A county in the Commonwealth of Kentucky shall be eligible to apply for and may receive emergency medical services (EMS) grant funding if the applicant county meets the requirements in this administrative regulation.

(2) A merged government shall not lose eligibility pursuant to this administrative regulation and may apply for and receive EMS grant funding if the applicant meets all requirements of this administrative regulation.

(3) This administrative regulation shall not be construed to grant an agency licensed pursuant to 202 KAR ***Chapter*** 7[:501] the authority to apply for or receive EMS grant funding independent of the county.

(4) A county or merged government that applies for EMS grant funding shall maintain, within its boundaries and for the benefit of its inhabitants, one (1) or more agencies that provide primary EMS 911 response and transport service.

(5) A county or merged government shall be considered to maintain EMS 911 level of service by:

(a) Holding the license for and operating a county-owned Class I ground ambulance service;

(b) Holding the license for a Class I ground ambulance service**,** but contracting with a licensed service to operate within the county;

(c) Allowing an agency or multiple agencies to operate within the county to provide EMS 911 level of service for the benefit of the inhabitants of that area; or

(d) Not holding the license for, but bearing the responsibility of, operating or allowing the operation of, an agency or multiple agencies within the county to provide EMS 911 level of service for the benefit of the inhabitants of that area.

(6) A county or merged government shall be eligible to receive EMS grant funding only for agencies licensed as Class I. Other classes of service shall not be eligible.

(7) A county or merged government shall not disperse funds to a licensed agency that cannot provide evidence of compliance with KBEMS' data collection requirements pursuant to KRS 311A.190 and 202 KAR 7:540.

(8) An agency that is not compliant with data collection requirements in KRS 311A.190 and 202 KAR 7:540 may submit a plan of correction for approval by the executive director. A plan shall include at least:

(a) A detailed outline of measures that shall be taken to achieve compliance;

(b) Proof of equipment and software necessary to achieve compliance; and

(c)[Deadlines that shall be met in achieving compliance that shall not extend beyond two (2) years from the approval of the plan of correction; and

(d)] A stipulation that an agreed percentage of awarded grant funds shall be used in taking measures that shall achieve compliance with data collection requirements in KRS 311A.190 and 202 KAR 7:540.

(9) An agency that is following an approved plan of correction for data collection compliance pursuant to KRS 311A.190 and 202 KAR 7:540 may be eligible to obtain block grant funds from an applicant county or merged government.

(10) An agency undergoing disciplinary action pursuant to KRS 311A.060 shall be eligible to receive funds if in compliance with board-recommended disciplinary action.

(11)(a) All distributions of grant funding shall be conducted by direct deposit to a bank account of the applicant county or merged government.

(b) The applicant county or merged government shall ensure that an updated W-9 form is submitted to the office of the board upon a change in bank routing information.

Section 2.[Eligibility for Authorized Expenditures. (1) A county or merged government eligible to receive EMS grant funding shall be authorized to spend funds based upon a tiered level of compliance with 202 KAR Chapter 7.

(2) An eligible county or merged government shall meet the requirements for one (1) of the following tiers:

(a) A Tier I applicant shall be an agency that maintains a primary EMS 911 ground ambulance service that is substantially

~~compliant with 202 KAR 7:501 but has documented violations requiring on-going plans of correction that are addressed and may be eliminated by the award of EMS grant funds;~~

~~(b) A Tier II applicant shall be an agency that maintains a primary EMS 911 ground ambulance service that has operated free of documented violations requiring on-going plans of correction for one (1) inspection cycle;~~

~~(c) A Tier III applicant shall be an agency that maintains a primary EMS 911 ground ambulance service that has operated free of violations for two (2) or more inspection cycles; and~~

~~(d) A Tier IV applicant shall consist of a group of Tier III applicants eligible to combine EMS grant funds for the common good of their primary EMS 911 ground ambulance services.~~

~~(3) A county or merged government may request reconsideration of the tier into which the county or merged government has been placed. Each request shall be acted upon within forty-five (45) days of the office's receipt of the request for reconsideration of the time limits established in this administrative regulation.~~

~~(4)(a) If the office of the board denies the request to change the applicant's tier, the applicant may appeal the decision to the board.~~

~~(b) The board's decision after appeal shall be final.~~]***[Section 3.]*** Application Requirements. (1) An applicant for EMS grant funds shall[~~fully~~] complete all portions of the County Application, Kentucky Ambulance Grant, KBEMS ***G-1[-G1]***[~~G-1~~], and the Agency Application, Kentucky Ambulance Grant, KBEMS ***G-2[-G2]***. These applications shall be submitted in an electronic format prescribed by the office of the board.

(2) Each electronic application shall be received by January 31 of each year. An applicant shall not receive EMS grant funds if the application is not received by the office of the board[~~filed~~] on or before January 31.

(3) Each electronic application shall include an itemized list of items intended to be purchased with EMS grant funds, price and quantity of ***those[~~said~~]*** items, and a narrative justification for the purchase of those items. An application that does not include the itemized list or the narrative justification shall be denied[~~returned~~] by the office of the board[~~board office~~] and shall not be approved[~~timely filed~~] if the applicant does not submit a[~~resubmit the~~] revised application by the filing deadline established in subsection (2) of this section.

(4) If an applicant requests to maintain carry-over funds in accordance with KRS 311A.155(5), the applicant shall notate the years that shall be carried forward on the application mandated by ***this administrative regulation[~~statute~~]***.

(5)(a) If an applicant does not request to maintain carry-over funds on the initial application, but chooses to select this option at a later time during the fiscal award year, the applicant shall submit the electronic Ambulance Grant Substitute Item Form, KBEMS ***G-3[-G3]***, to remove the previously approved items and substitute the request to carry over funds to the next fiscal year.

(b) Carry-over funds that are requested on a KBEMS ***G-3[-G3]*** shall meet the submission deadlines as established for all KBEMS ***G-3[-G3]*** submissions in Section 6 of this administrative regulation for the award year.

(6)[~~(4)~~] Each applicant shall identify on the application, which agency or agencies will receive the EMS grant funds sought in the application process.

(7)[~~(5)~~] If the applicant intends for more than one (1) agency to receive funds, the applicant shall specifically identify each[~~every~~] agency to which funds shall be dispersed and the monetary amount to be distributed to each.

(8)[~~(6)~~] The ambulance service agency director or ambulance service board chair of an agency receiving funds from an applicant shall certify that the agency:

(a) Is a licensed Class I ground ambulance service in the state of Kentucky;

(b) Acknowledges, understands, and agrees to comply with the requirements and duties of KRS 311A.155 and this administrative regulation;

(c) Has not made a false statement or misrepresentation on the application and that falsely certifying shall subject the agency to reimbursement of funds to KBEMS and sanctions pursuant to KRS 311A.060;[~~and~~]

(d) Shall not misuse funds and that doing so shall require the agency to reimburse those funds to KBEMS and shall subject the agency to sanctions pursuant to KRS 311A.060;[~~.~~]

(e) Shall expend awarded funds for the fiscal year of award only after written approval of award;

(f) Shall expend all awarded grant funds***, except any approved carry-over funds,*** by June 30 of the fiscal year of award; and

(g) Acknowledges that approved grant funds***, except any approved carry-over funds,*** that are not expended by June 30 of the fiscal year of award shall be returned to the office of the board prior to the award of any future grant funds.

(9)[~~(7)~~] An applicant county or merged government shall submit the County Application, Kentucky Ambulance Grant, KBEMS ***G-1[-G1]***[~~G-1~~], with the county Judge Executive's[~~judge executive's~~] signature or an agent duly authorized by the applicant. A duly authorized agent may include, for example, a chief administrative officer for the applicant, but shall not include a person unable to legally bind the applicant. The ***KBEMS*** G-1 application shall be scanned with a certifying signature affixed and submitted electronically as a required portion of the Kentucky ambulance grant electronic application process.

(10)[~~(8)~~] An applicant shall certify on the County Application, Kentucky Ambulance Grant, KBEMS ***G-1[-G1]***[~~G-1~~] that the county or merged government:

(a) Acknowledges, understands, and agrees to comply with the requirements and duties of KRS 311A.155 and this administrative regulation;

(b) Has not made a false statement or misrepresentation on the County Application, Kentucky Ambulance Grant, KBEMS ***G-1[-G1]***[~~G-1~~], and that falsely certifying shall subject the applicant to reimbursement of funds to KBEMS[~~and sanctions pursuant to KRS 311A.060~~];

(c) Shall not misuse funds and that doing so shall subject the applicant to reimbursement of those funds to KBEMS;[~~and sanctions pursuant to KRS 311A.155 (5) and 311A.050; and~~]

(d) Shall be jointly responsible for ensuring that all purchases and expenditures of block grant funds are approved[~~authorized~~] and allowable pursuant to KRS 311A.155 and this administrative regulation;[~~.~~]

(e) Shall expend awarded funds for the fiscal year of award only after written approval of award;

(f) Shall expend all awarded grant funds***, except any approved carry-over funds,*** by June 30 of the fiscal year of award; and

(g) Acknowledges that approved grant funds***, except any approved carry-over funds,*** that are not expended by June 30 of the fiscal year of award shall be returned to KBEMS prior to the award of any future grant funds.[~~(9) The board shall vote to approve or disapprove the County Application, Kentucky Ambulance Grant, KBEMS G-1, for block grant funds if the application designates for receipt of funds an agency that is currently undergoing or is the subject of proposed sanctions pursuant to KRS Chapter 311A.~~]

Section 3[4]. Application for Change of Items. (1) An applicant wishing to expend[~~spend~~] awarded funds on items not previously approved in the electronic Agency Application, Kentucky Ambulance Grant, KBEMS ***G-2[-G2]***, shall submit the electronic Ambulance Grant Substitute Item Form, KBEMS ***G-3[-G3]***, to remove the previously approved items and substitute alternative[~~different~~] items for purchase.

(2) Approved purchase transactions shall occur by June 30 of the fiscal year of award. If applicable, the ***electronic*** Ambulance Grant Substitute Item***[~~Electronic~~]*** Form, KBEMS ***G-3[-G3]*** shall be submitted and approved by the office of the board by May 31 of the fiscal year of award.

(3)[~~(2)~~] A substitute[~~substituted~~] item purchased without prior[~~notification to and~~] approval from the office of the board[~~KBEMS~~] shall be considered misuse of grant funds and shall preclude the applicant from approval of all grant funds during the following

application year[subject the applicant to sanctions pursuant to KRS 311A.060].

(4)(a)[(3)] Authorization for substitute items shall not be approved retroactively.

(b) Approval[An approval] for a substitute item shall only be authorized by the office of the board[substitution shall be sought] prior to the purchase date.[(4) The County Application, Kentucky Ambulance Grant, KBEMS G-1, for approval shall contain signatures of the agency to which the funds were dispersed as well as the applicant's authorized agent.

Section 5. Funds Management. (1) Upon award of block grant funds, the applicant, the receiving agencies, and KBEMS shall execute a grant agreement that outlines the relevant statutory and regulatory requirements, duties, and obligations of all parties.

(2) Every grant agreement shall bear the signatures of the applicant's authorized agent, the service director or ambulance board chair of each agency receiving the funds from the applicant, and the executive director of KBEMS.

(3) Funds shall not be dispersed until the grant agreement is signed and dated by the parties required in this section of this administrative regulation.

(4) The grant agreement shall require that the applicant and the receiving agency authorize KBEMS to conduct an audit of records relevant to use of the awarded funds.]

Section 4[6]. Allowable Expenditures. (1) Awarded funds shall only be expended[spent] on authorized purchases.

(2) Authorized purchases shall include:[be determined by the tier for which the receiving agencies are eligible.]

(a) Ambulances, equipment, training services, or other items necessary for the agency or its personnel to meet the minimum requirements of 202 KAR 7:501;

(b) EMS-related educational tools;

(c) EMS-related continuing education registrations; and

(d) Items on the Department of Homeland Security Authorized Equipment List.

(3)(a)[Authorized purchases for the tiers are as follows:

(a) Tier I services shall be authorized to spend awarded funds on items, equipment, and training for personnel only if those purchases are necessary for the agencies to meet the minimum requirements of 202 KAR 7:501;

(b) Tier II services shall be authorized to spend awarded funds on any items, equipment, or training for personnel that fall under Tier I. In addition, Tier II eligible services shall be authorized to spend awarded funds on pre-approved educational tools and items;

(c) Tier III services shall be authorized to spend awarded funds on an item from Tier I or II, plus outside EMS related class registrations, items appearing on the Federal Emergency Management Agency Approved Equipment List, www.fema.gov, and additional items if applied for and approved by the board based on current applicability to EMS standards of medical practice and promotion of public health and safety; or

(d) Tier IV services may organize as a cooperative of agencies consisting of services that qualify for Tier III. Cooperative agencies shall be allowed to pool awarded funds for the purchase of items beneficial to multiple counties within the cooperative.

(4)] If seeking reimbursement for attendance at continuing education courses, conferences, or seminars[the conduct of authorized educational courses], only expenses directly related to courses or training shall be authorized.

(b) Block grant funds shall not be used for reimbursement of participants' travel, food, gas, lodging, or incidental expenses related to EMS continuing education courses, conferences, or seminars[EMS classes].[Section 7. Cooperative of Agencies. (1) A cooperative of agencies shall consist of a minimum of two (2) agencies.

(2) Each agency within a cooperative shall have on file current mutual aid agreements that existed prior to and extend past the current grant award period. An agency that does not have a current and ongoing relationship shall not be allowed to enter into a cooperative agreement.

(3) Items or equipment purchased with the grant funds awarded to an agency within a cooperative shall benefit each member agency of that cooperative.

(4) Each applicant shall agree that the agencies to which they disperse money may enter into the cooperative of agencies for the benefit of the inhabitants within the county or area of the merged government.

(5) Each agency included in a cooperative of agencies shall enter into and submit to KBEMS a cooperative agreement approved by the board that includes, at a minimum:

(a) Where ownership of the equipment shall reside;

(b) Who shall maintain and repair the equipment;

(c) Certification that all parties to the cooperative of agencies shall have access to the equipment;

(d) An agreed and approved protocol for the possession, access, use, and replenishment of items or equipment obtained with grant funds;

(e) A narrative justification for the purchase of the equipment;

(f) A process for discarding the equipment if it becomes obsolete;

(g) An agreed statement of liability distribution; and

(h) The signatures and certifications of truthfulness of each party to the cooperative of agencies, the applicant counties or merged governments, and the chair of KBEMS.

(6) In addition to the agency application, representatives of the cooperative of agencies and the applicant counties or merged governments shall appear at a regular meeting of the board to present an explanation of and justification for the use of combined funds.

(7) Tier IV cooperatives shall not be authorized without affirmative vote of the board.]

Section 5[8]. Accountability. (1) Each applicant that receives funds and each agency to which the applicants disperse funds shall be jointly accountable for use of all funds distributed[the money].

(2) Each applicant and agency shall submit an electronically filed Grant Accountability of Funds, KBEMS ***G-4[-G4]*** that includes at a minimum:

(a) Itemization of any previously approved purchases [all purchases];

(b) Attached receipts for all purchases; and

(c) Included packing slips or invoices.

(3) Each applicant shall submit an electronically filed Grant Accountability of Funds, KBEMS ***G-4[-G4]*** each year no later than the deadline established in Section 6 of this administrative regulation that accounts for funds that were distributed from the block grant fund for the application year that occurred two (2) years prior to the forthcoming application year.

(4) If an applicant or agency maintains approved carry-over funds in accordance with KRS 311A.155(5), the applicant or agency shall submit proof of the continued availability of those funds. Proof may include, for example, a bank statement, a letter from the designated county or government official, a budgetary line-item, or other evidence sufficient to account for the unused, carry-over funds.

(5)[(4)] Failure to submit documents accounting for grant funds by the deadline established in Section 6[9] of this administrative regulation shall subject the applicant or agency to being ineligible for further award of block grant funds.

(6)[(5)] The board may request documentation of purchases and expenditures during the grant cycle. Failure to comply with this request shall make an applicant or agency ineligible for further award of grant funds.

(7)[(6)] An agency that fails to comply with subsections (5) or (6)[(4) or (5)] of this section shall also be subject to discipline pursuant to KRS 311A.060.

Section 6[9]. Time limits and Deadlines for Block Grant Funds Awards. (1) The ambulance block grant funding cycle shall follow a fiscal year of July 1 to June 30 each award year.

(2)(a) All grant funding shall be appropriately expended by the applicant and agency between July 1 and June 30 of the fiscal year

of award.

(b) All purchases shall be expressly approved on the electronic Agency Application, Kentucky Ambulance Grant, KBEMS ***G-2[-G2]*** for the fiscal year of award.

(3) The office of the board shall ensure availability of electronic county and agency ambulance block grant applications no later than October 1 of the forthcoming application year.

(4) The office of the board shall provide a notification of the availability of applications on its Web site and by email to each Class I licensed agency eligible to submit an application no later than October 1 of the forthcoming application year.

(5) County and agency applications for block grant funds shall be received electronically by the office of the board no later than January 31 of each year.

(6) Each applicant and agency shall submit electronically a Grant Accountability of Funds, KBEMS ***G-4[-G4]*** no later than January 31 of each year which accounts for funds that were distributed from the block grant fund for the application year that occurred two (2) fiscal years prior to the forthcoming application year.

(7)[~~(1) Agency application for block grant funds shall be postmarked or received by January 31 of each year.~~

~~(2) Accounting required pursuant to Section 8 of this administrative regulation shall be postmarked or received by March 15 of each calendar year.~~

~~(3)~~] The office of the board shall provide[~~supply~~] notification by email to the applicants and agencies of their grant award no later than July 1[~~April 30~~] of each fiscal[~~calendar~~] year of award.

(8)[~~(4)~~] The office of the board shall process[~~make~~] payment of awarded grant funds to applicants no later than August 31 of each fiscal[~~calendar~~] year of award.

(9) Submission and approval of an electronic Ambulance Grant Substitute Item Form, KBEMS ***G-3[-G3]*** shall be approved by the office of the board by May 31 of the current fiscal year of award.

(10) An electronic Ambulance Grant Substitute Item Form, KBEMS ***G-3[-G3]*** received after the deadline for alternative items not listed on the electronic Agency Application, Kentucky Ambulance Grant, KBEMS ***G-2[-G2]*** form for the current fiscal year of award shall be denied by the office of the board.

(11) An electronic Ambulance Grant Substitute Item Form, KBEMS ***G-3[-G3]*** received after the deadline for carry-over funds for the current fiscal year of award shall be denied by the office of the board.

Section 7[~~10~~]. Review of Grant Applications. (1) A grant application shall be subject to review by the office of the board and other entities relevant to the award process.

(2) Review of applications shall include:

(a) Level One Review, which shall determine completeness of the application.

1. An incomplete application shall be denied[~~rejected~~], and if still within the deadline for application, an amended application may be submitted[~~the incomplete areas may be cured and resubmitted~~].

2. If outside the application deadline, the amended application shall be denied[~~resubmission shall not be accepted~~]; and

(b) Level Two Review, which shall determine regulatory compliance and appropriateness of expenditures.

(3) The executive director of the office of the board shall have approval[~~Approval~~] authority for grant applications and purchase authorization.[~~shall be the:~~]

(4) Release of ambulance grant funds shall require a majority vote of the board prior to distribution of funds.[~~(a) Executive director for Tier I and II applicants;~~

~~(b) Executive director for Tier III applicants who request purchases or expenditures at the Tier I or II level;~~

~~(c) Board for Tier III applicants with request for purchases or expenditures at the Tier III level; and~~

~~(d) Board for Tier III applicants that fall within the Tier IV Cooperative of Agencies level.~~

~~(4) All Tier I or II purchases shall be consistent with Section 6(3)(c) of this administrative regulation and approved prior to purchase. Exemption from or waiver of pre-approval shall not be permitted.~~

~~(5) Tier III and IV applications and purchase authorizations may be recommended for:~~

~~(a) Full approval;~~

~~(b) Approval with modifications; or~~

~~(c) Denial.~~

~~(6) Tier III and IV applicants may request reconsideration of approval with modifications by submitting new evidence of justification for their request at the next regular board meeting or at a meeting specially called by the chair of the board.~~

~~(7) Tier III and IV applicants may request reconsideration of denial by submitting new evidence of justification for their request at the next regular board meeting or at a specially called meeting.~~

~~(8) New proposals, if applicable, shall be considered during a request for reconsideration.~~

~~(9) A second denial of a Tier III or IV application or authorization for purchases shall be final and shall result in a default to Tier I or II purchases or expenditures that shall meet all requirements of this administrative regulation.~~]

Section 8[~~11~~]. Grant Program Management. (1) Implementation and management of the grant program may include employment of an individual with primary responsibility of managing the block grant fund program.

(2) Other responsibilities shall include:

(a) Research of and application for additional EMS grant sources and funding streams that benefit KBEMS' regulatory obligations to licensed[~~and certified~~] agencies; and

(b) Assistance to licensed EMS agencies in their efforts to locate and obtain other EMS grants.

(3) Employment of the grant management employee shall be dependent upon the availability of budgetary funds.

Section 9[~~12~~]. Statewide Initiatives. (1) The board may[~~shall~~] reserve all or a portion of the block grant funds appropriated to it by the General Assembly[~~legislature~~] if a unanimous vote of the board determines:

(a) That a statewide initiative is necessary to further one (1) or more of the statutory functions of the board in KRS 311A.035; or

(b) A portion of the funds shall be distributed to assist agencies in meeting a federal or state mandate relevant to EMS.

(2) KBEMS shall not reserve funds for statewide initiatives in consecutive years.

(3) Notification of reservation of funds shall be sent to all eligible applicants and agencies by October[~~September~~] 1 of the calendar year prior to the grant cycle.

Section 10[~~13~~]. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "County Application, Kentucky Ambulance Grant", KBEMS ***G-1[-G1]***, ***April 2019[9/18]***[~~1/2013~~];

(b) "Agency Application, Kentucky Ambulance Grant", KBEMS ***G-2[-G2]***, ***April 2019[1/29/2019]***[~~1/2013~~];

(c) "Ambulance Grant Substitute Item Form", KBEMS ***G-3[-G3]***, ***April 2019[1/29/2019]***[~~1/2013~~]; and

(d) "Grant Accountability of Funds", KBEMS ***G-4[-G4]***, ***April 2019[1/29/2019]***[~~1/2013~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Emergency Medical Services, 118 James Court, Suite 50, Lexington, Kentucky 40505[~~300 North Main Street, Versailles, Kentucky 40383, Monday through Friday, 8:30 a.m. to 4:30 p.m.~~], Monday through Friday, 8:30 a.m. to 4:30 p.m.

PHILIP DIETZ, Chairman of the Board

APPROVED BY AGENCY: February 12, 2019

FILED WITH LRC: February 14, 2019 at 4 p.m.

CONTACT PERSON: Jeffrey S. Walther, Legal Counsel, Kentucky Board of Emergency Medical Services, Walther, Gay & Mack, PLC; 163 East Main Street, Suite 200, Lexington, Kentucky 40588, phone (859) 225-4714, fax (859) 225-1493, email jwalther@wgmfirm.com.

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Kentucky Board of Emergency Medical Services
(As Amended at ARRS, May 14, 2019)

202 KAR 7:575. *[~~Posting of~~]*Fee schedules of licensed ambulance providers.

RELATES TO: KRS 311A.010, 311A.032, 61.870-61.884
STATUTORY AUTHORITY: KRS 311A.032
NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.032 ***requires[~~authorizes~~]*** the Kentucky Board of Emergency Medical Services to promulgate administrative regulations concerning the posting of fee schedules of licensed ambulance providers. This administrative regulation establishes standards and criteria governing the mandatory posting of fees, modification of fee schedules, reporting requirements, public posting requirements, and penalties for non-conformity.

Section 1. Fee Schedule Disclosure.
(1) Licensed Ground and Air Ambulance Services, and Medical First Response agencies shall provide a comprehensive fee schedule consistent with KRS 311A.032.
(2) The fee schedule shall be consistent with the Healthcare Common Procedure Coding System (HCPCS). Itemized charges shall be reflected for each of the following:
(a) A0428- Ambulance service, BLS, non-emergency transport;
(b) A0429- Ambulance service, BLS, emergency transport;
(c) A0426- Ambulance service, ALS1, non-emergency transport;
(d) A0427- Ambulance service, ALS1, emergency transport;
(e) A0430- Ambulance service, conventional air services, transport, one way (fixed wing);
(f) A0431- Ambulance service, conventional air services, transport, one way (rotary wing);
(g) A0433- Advanced life support, level 2 (ALS2);
(h) A0434- Specialty Care Transport (SCT);
(i) A0425- Ground mileage, per statute mile;
(j) A0436- Rotary Wing Air Mileage, per statute mile;
(k) A0435- Fixed Wing Air Mileage, per statute mile; ***and***
(l) Other charges.

Section 2. Posting Requirements.
[~~(1)~~] Licensed Ground and Air Ambulance Services, and Medical First Response agencies shall post fee schedules as ***established in KRS 311A.032(1)(a)[~~defined in Section 1:~~***
[~~(a) In a conspicuous area of the main office;~~
[~~(b) Any satellite location, and;~~
[~~(c) On the company Web site, if the company hosts or otherwise maintains a Web site itself or through contract with another party~~].

Section 3. Reporting Requirements.
(1) Licensed Ground and Air Ambulance Services, and Medical First Response agencies shall ***submit***:
(a)***[~~Submit~~]*** An initial fee schedule to the Kentucky Board of Emergency Medical Services through an electronic Application ***for Initial Fee Schedule*** in the agency KEMSIS account***; and[~~.~~]***
(b)***[~~Submit~~]*** An annual fee schedule to the Kentucky Board of Emergency Medical Services at the time of agency licensure renewal ***with the electronic Renewal and Inspection Application for Class I, II, III, IV, VII, and VIII Agencies, and the Renewal and Inspection Application for Class VI Agencies***.
(2) Fee schedules that are modified ***shall[~~must~~]*** be updated and posted as ***established[~~prescribed~~]*** in ***KRS 311A.032[~~Section 2~~]***, and ***an[~~a modified fee schedule~~]*** electronic Application ***for Ambulance Fee Schedule Modification shall[~~must~~]*** be submitted to the Kentucky Board of Emergency Medical Services within fifteen (15) days of fee schedule modification.

Section 4. Accountability and Oversight.
(1) Posting provisions as ***required by KRS 311A.032(1)(a)[~~prescribed in Section 2~~]*** shall be evaluated by staff of the Kentucky Board of Emergency Medical Services at least annually as part of the agency annual inspection.
(2) Unannounced inspections may be conducted for a:
(a) Verification of posting requirements;
(b) Complaint allegation;
(c) Follow-up visit; or
(d) Relicensing inspection.
(3) The Kentucky Board of Emergency Medical Services shall:
(a) Assess a licensed ambulance agency a monetary penalty of $150***[~~per occurrence for failure to post or update a modified fee schedule~~]*** as required ***by KRS 311A.032(2)(a) and[~~under~~]*** Sections 2 and 3 of this administrative regulation; and
(b) Issue a statement of violation consistent with 202 KAR 7:501.

Section 5. ***Incorporation by Reference. (1) The following material is incorporated by reference:***
(a) "Application for Initial Fee Schedule", April 2019;
(b) "Application for Ambulance Fee Schedule Modification", April 2019;
(c) "Renewal and Inspection Application for Class I, II, III, IV, and VII Agencies", April 2019; and
(d) "Renewal and Inspection Application for Class VI Agencies", April 2019.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Emergency Medical Services, 118 James Court, Suite 50, Lexington, Kentucky 40505, Monday through Friday, 8:30 a.m. to 4:30 p.m.[~~Unethical Conduct.~~
[~~(1) The following acts shall be considered unethical conduct in the practice of providing emergency medical services and may be subject to the sanctions established in KRS 311A.060:~~
[~~(a) Failure to submit, amend, or modify a plan of correction in order to eliminate or correct regulatory violations;~~
[~~(b) Failure to eliminate or correct regulatory violations;~~
[~~(c) Falsifying an application for licensing;~~
[~~(d) Changing a license issued by the board;~~
[~~(e) Attempting to obtain or obtaining a license by:~~
[~~1. Fraud;~~
[~~2. Forgery;~~
[~~3. Deception;~~
[~~4. Misrepresentation; or~~
[~~5. Subterfuge;~~
[~~(f) Providing false or misleading advertising;~~
[~~(g) Falsifying, or causing to be falsified reports regarding patient care or other reports provided to the KBEMS office;~~
[~~(h) Providing an unauthorized level of service;~~
[~~(i) Failing to provide the board or its representative with information upon request, or obstructing an investigation regarding alleged or confirmed violations of KRS Chapter 311A or 202 KAR Chapter 7;~~
[~~(j) Issuing a payment on an invalid account or an account with insufficient funds to pay established fees, fines, or charges;~~
[~~(k) Submitting fraudulent or misleading claims for reimbursement; or~~
[~~(l) Failure to comply with local ordinances, federal statutes, KRS Chapter 311A, or 202 KAR Chapter 7.~~]

PHILIP DIETZ, Chairman of the Board
APPROVED BY AGENCY: February 12, 2019
FILED WITH LRC: February 14, 2019 at 4 p.m.
CONTACT PERSON: Jeffrey S. Walther, Legal Counsel, Kentucky Board of Emergency Medical Services, Walther, Gay & Mack, PLC, 163 East Main Street, Suite 200, Lexington, Kentucky 40588, phone (859) 225-4714, fax (859) 225-1493, email jwalther@wgmfirm.com.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education
(As Amended at ARRS, May 14, 2019)

704 KAR 3:303. Required Academic Standards.

RELATES TO: KRS 156.070, 156.160, 158.6451, 158.6453, 160.290
STATUTORY AUTHORITY: KRS 156.070, 156.160, 158.6453**, 160.290**
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645 and 158.6451. KRS 158.6453 requires the revision of academic content standards. KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education. This administrative regulation incorporates by reference the required academic standards, which contain the general courses of study and academic content standards for use in Kentucky's common schools unless specifically incorporated in another administrative regulation in Title 704.[~~KAR~~] Chapter 8.

Section 1. Before graduating from a Kentucky public high school, a student shall meet the minimum content requirements established in the required[~~Kentucky~~] academic standards.

Section 2. Incorporation by Reference. (1) The "Kentucky Academic Standards***[.]***", March 2019[~~October 2018~~], is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Program Standards, Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Monday through Friday, 8:00 a.m. through 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).

WAYNE D. LEWIS, Ph.D.
HAL HEINER, Chairperson
APPROVED BY AGENCY: March 14, 2019
FILED WITH LRC: March 15, 2019 at 11 a.m.
CONTACT PERSON: Deanna Durrett, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Kentucky Department of Education
(As Amended at ARRS, May 14, 2019)

704 KAR 8:060. Required Academic Standards for Social Studies.

RELATES TO: KRS 156.070, 156.160, 158.6451, 158.6453, 160.290
STATUTORY AUTHORITY: 156.070, 156.160, 158.6453(2)**, 160.290**
NECESSITY, FUNCTION, AND CONFORMITY: KRS ***156.160[~~156.070~~]*** requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes**,** and ***assessments[~~assessment~~]*** strategies developed under KRS 158.645, 158.6451, and 158.6453. KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education. KRS 158.6453(2) requires the Kentucky Department of Education to implement a comprehensive process for the review of academic standards and assessment with the advice of a standards and assessments review and development committee. This administrative regulation incorporates by reference the Kentucky Academic Standards for Social Studies, which contain the general courses of study and academic content standards of social studies, for use in Kentucky's common schools.

Section 1. Before graduating from a Kentucky public high school, a student shall meet the minimum content requirements established in the Kentucky Academic Standards for Social Studies.

Section 2. Incorporation by Reference. (1) The "Kentucky Academic Standards for**[~~Reading and~~]** Social Studies", **April[~~February~~]** 2019, is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, 5th floor, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8:00 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).

WAYNE D. LEWIS, Commissioner
HAL HEINER, Chairperson
APPROVED BY AGENCY: April 12, 2019
FILED WITH LRC: April 15, 2019 at 11 a.m.
CONTACT PERSON: Deanna Durrett, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

ENERGY AND ENVIRONMENT CABINET
Department for Natural Resources
Division of Mine Safety
(As Amended at ARRS, May 14, 2019)

805 KAR 3:100. Equipment use and operation.

RELATES TO: KRS 351.070
STATUTORY AUTHORITY: KRS 351.070
NECESSITY, FUNCTION, AND CONFORMITY: KRS 351.070 authorizes the Secretary of the Energy and Environment Cabinet to promulgate, amend, or ***repeal[~~rescind~~]*** any administrative regulations as necessary and suitable for the proper administration of KRS Chapter 351. This administrative regulation establishes safety standards controlling the use and operation of equipment in the Commonwealth's surface type coal and clay mines, which include strip and auger mining operations.

Section 1. (1) The following items shall be guarded to prevent injury:
(a) Gears;
(b) Sprockets;
(c) Chains;
(d) Drive, head, tail, and take-up pulleys;
(e) Flywheels;
(f) Couplings;
(g) Shafts;
(h) Sawblades;

(i) Fan inlets; and

(j) Similar exposed moving machine parts that may cause injury to persons.

(2) An overhead belt shall be guarded if the whipping action from a broken belt may be hazardous to a person below.

(3) A guard at conveyor drive, head, and tail pulleys shall be sufficient to prevent a person from reaching behind the guard and becoming caught between the belt and the pulley.

(4) A protruding set screw on revolving parts shall be guarded.

(5) Except while testing the machinery, a guard shall be securely in place while machinery is being operated.

(6) A guard shall be sufficiently strong and maintained to provide the required protection.

(7) A stationary grinding machine other than a special bit grinder shall be equipped with:

(a) Peripheral hoods (less than ninety (90) degree throat openings) capable of withstanding the force of a bursting wheel;

(b) Adjustable tool rests set as close as practical to the wheel; and

(c) Safety washers.

(8) A face shield or goggles, in good condition, shall be worn while operating a grinding wheel.

(9) A hand-held power tool, other than a rock drill, shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety devices.

(10) A guard or shield shall be provided in areas where flying or falling materials present a hazard.

(11)(a) A vehicle, such as a fork lift, truck, front-end loader, and bulldozer, shall be provided with rollover protection, if necessary, to protect the operator.

(b)1. Beginning January 1, 2016:

a. An excavator newly placed in service at a licensed facility shall be equipped with rollover protection that shall meet, at a minimum, the International Organization for Standardization (ISO) 12117-2:2008 standard or the equivalent ISO standard; and

b.***(i)***[~~i.~~] A person operating an excavator that is not equipped with certified rollover protection pursuant to subsection (11)(b)1.a. of this administrative regulation shall be trained by the Division of Mine Safety ***in a course on the safe operation of an excavator and the course shall be***[~~as having~~] successfully completed[~~***an excavator operation safety course***~~].

(ii)[~~ii.~~] The training established in subclause ***(i)***[~~i.~~] of this clause shall be recorded on the Mine Safety and Health Administration Form 5000- 23, ***incorporated by reference in 805 KAR 7:030,*** which shall be maintained on the mine premises.

2. An excavator manufactured before 2011 shall meet and maintain the safety standards in place at the time the equipment was manufactured[~~Beginning January 1, 2020, any excavator in operation at a licensed facility shall be equipped with rollover protection meeting the current International Organization for Standardization (ISO) standards in place~~].

(12)(a) A vehicle, such as a fork lift, truck, front-end loader, and bulldozer, shall be provided with falling object protection, if necessary, to protect the operator against falling material.

(b)1. An excavator manufactured after January 1, 2011, shall be provided with falling object protection. The falling object protection shall meet ISO standards in place when the machine was manufactured.

2. Effective January 1, 2016, an excavator that operates in an application with the risk of falling objects shall be equipped with falling object protection that shall meet, at a minimum, the ISO 10262:1998 Level II standard or the equivalent ISO standard.

(13) Unsafe equipment or machinery shall be removed from service immediately.

(14) Machinery and equipment shall be operated only by an authorized and experienced person.

(15) A repair or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except if machinery motion is necessary to make an adjustment or if nonenergized components of large machinery can be safely repaired while the machine is operating.

(16) A person shall not work on mobile equipment in a raised position until it has been blocked in place securely. This shall not preclude the use of equipment specifically designed for these purposes, such as elevated mobile work platforms.

(17) A drive belt shall not be shifted while in motion unless the machine is provided with a mechanical shifter.

(18) A belt, chain, or rope shall not be guided onto a power driven moving pulley, sprocket, or drum with the hands, except on slow moving equipment especially designed for hand feeding.

(19) A pulley or conveyor shall not be cleaned manually while the conveyor is in motion.

(20) A belt dressing shall not be applied manually while the belt is in motion unless an aerosol-type dressing is used.

(21) Machinery shall not be lubricated while in motion if a hazard exists unless equipped with extended fittings or cups.

CHARLES G. SNAVELY, Secretary

APPROVED BY AGENCY: March 13, 2019

FILED WITH LRC: March 14, 2019 at 4 p.m.

CONTACT PERSON: Michael Mullins, Regulation Coordinator, 300 Sower Blvd, Frankfort, Kentucky 40601, phone: (502) 782-6720, fax: (502) 564-4245, email: michael.mullins@ky.gov.

PUBLIC PROTECTION CABINET
Department of Insurance
(As Amended at ARRS, May 14, 2019)

806 KAR 10:030. Surplus lines reporting[~~requirement for broker's statement~~] and[~~surplus lines~~] tax payment structure.

RELATES TO: KRS 304.1-070, 304.10-030, ***304.10-040,*** 304.10-050, 304.10-170, 304.10-180, 304.99-085

STATUTORY AUTHORITY: KRS 304.2-110, 304.10-050, 304.10-170, 304.10-210, [~~EO 2009-535~~]

NECESSITY, FUNCTION, AND CONFORMITY:[~~EO 2009-535, signed June 12, 2009, created the Department of Insurance, headed by the Commissioner of Insurance.~~] KRS 304.2-110 authorizes the commissioner[~~Executive Director of Insurance~~] to make reasonable rules and administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code[~~, as defined in KRS 304.1-010~~]. KRS 304.10-050 requires a surplus lines broker to file an affidavit setting forth facts from which it can be determined whether such insurance was eligible for export under KRS 304.10-040. KRS 304.10-170 requires the commissioner[~~executive director~~] to prescribe the form of the verified statement of all surplus lines transactions for a preceding calendar quarter. KRS ***304.10-210***[~~***340.10-210***~~] requires the commissioner[~~executive director~~] to promulgate administrative regulations to effectuate the surplus lines law. This administrative regulation provides for the reporting procedures to be used by surplus lines brokers for the reporting and payment of surplus lines tax pursuant to[~~in accordance with~~] KRS 304.10-170 and 304.10-180.

Section 1. Affidavit Reporting[~~Definitions~~].

(1) A licensed surplus broker shall file ***electronically a Kentucky Surplus Lines Affidavit of Insurance Transactions***[~~***an affidavit of eligibility for export***~~] with the department within fifteen (15) days after the **invoice date or** effective date of each premium bearing surplus lines transaction, **whichever occurs later**[~~"Alien insurer" is defined in KRS 304.1-070(3)~~].

(2) The affidavit shall be filed electronically through the Department of ***Insurance's***[~~***insurance***~~] secure ***Web site at***[~~***website,***~~] http://insurance.ky.gov/kentucky/secured/Eservices/default.aspx.

[~~"Broker" or "surplus lines broker" is defined in KRS 304.10-030(1).~~

~~(3) "Commissioner" means the Commissioner of the Department of Insurance.~~

~~(4) "Department" means the Department of Insurance.~~

~~(5) "Export" is defined in KRS 304.10-030(2).~~

~~(6) "Foreign insurer" is defined in KRS 304.1-070(2).~~

~~(7) "Premium charged" means the premium billed and~~

~~collected during the preceding calendar quarter.~~]

Section 2. Quarterly Reporting and Payment of Surplus Lines Premium Taxes for Insurance Transactions.

(1) The department shall generate a quarterly report of all surplus lines transactions **reported in[~~for~~]** a preceding calendar quarter, for each surplus lines broker based on the affidavits filed in accordance with Section 1 of this administrative regulation[~~806 KAR 10:050~~].

(2) The department shall make the quarterly report available to a licensed surplus lines broker on its secure ***Web site at[website,]***[~~Web site~~]***[,]*** https://insurance.ky.gov/kentucky/secured/Eservices/default.aspx, thirty (30) [~~at least sixty (60)~~] days following the end of each calendar quarter.

(3) Each licensed surplus lines broker shall:

(a) Reconcile the surplus lines taxes owed on the quarterly report with the broker's own records;[~~Retrieve his or her quarterly report from the department's secure Web site, http://insurance.ky.gov/kentucky/secured/Eservices/default.aspx; and~~]

(b) Notify the department of any discrepancy in surplus lines taxes owed; and

(c) Pay all[~~Remit a signed copy of the quarterly report, along with the~~] surplus lines premium tax and any applicable penalties owed pursuant to[~~in accordance with~~] KRS 304.99-085[,] within thirty (30) days of the date of the quarterly report[~~end of each calendar quarter~~].

(4) Surplus lines premium tax shall be:

(a) Computed at the rate of three (3) percent on the premiums, assessments, fees, charges, or other consideration deemed part of the premium as shown on the quarterly report;

(b) Payable to the Kentucky State Treasurer; and

(c) Remitted to the Kentucky Department of Insurance[,] electronically through the department's secure ***Web site at[website,]*** http://insurance.ky.gov/kentucky/secured/Eservices/default.aspx[~~along with the quarterly report, within thirty (30) days of the end of each calendar quarter for all surplus lines transactions during the preceding calendar quarter~~].

(5) Agencies paying a surplus lines premium tax on behalf of a broker shall submit payment electronically through the broker's Eservices account using the department's secure ***Web site at[website,]*** http://insurance.ky.gov/kentucky/secured/Eservices/default.aspx[~~The quarterly report shall be submitted quarterly by all licensed brokers even if no insurance transactions were completed during the period~~].

(6) ***The department shall consider the*** payment of the surplus lines premium tax and any applicable penalty ***to[shall]*** be ***[~~deemed~~]*** the submission of the broker's quarterly report and verified statement of transactions.

Section 3. Effective Date. The administrative regulation shall be effective beginning with the calendar quarter **beginning July 1, 2019[~~ending June 30, 2019~~]**[~~quarterly report due July 1, 2010~~].

Section 4. Incorporation by Reference. (1) "Kentucky Surplus Lines Affidavit of Insurance Transactions", May 2019, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Insurance, 215 West Main Street, Frankfort, KY 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the department's secure Web site at http://insurance.ky.gov/kentucky/secured/Eservices/default.aspx.

NANCY G. ATKINS, Commissioner
K. GAIL RUSSELL, Actin Secretary
APPROVED BY AGENCY: February 14, 2019
FILED WITH LRC: February 15, 2019 at 11 a.m.
CONTACT PERSON: Patrick O'Connor II, Deputy Commissioner, Policy, P.O. Box 517, 215 W. Main Street, Frankfort, Kentucky 40602, phone 502-564-6026, email patrick.oconnor@ky.gov.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Program Integrity
(As Amended at ARRS, May 14, 2019)

907 KAR 5:005. Health Insurance Premium Payment (HIPP) Program.

RELATES TO: 42 C.F.R. 400.203, ***430.10, 26 U.S.C. 4980B, 5000(b)(1)[~~430.110, 26 U.S.C. 500(b)(1), 4980B~~]***, 29 U.S.C. 1161-1169, 42 U.S.C. 1396e(a)-(e)

STATUTORY AUTHORITY: KRS 194A.010(1), 194A.030(2), 194A.050(1), 205.520(3), 205.560(2), 42 U.S.C. 1396e(a)-(e)[.]

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services has responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with a requirement that may be imposed[,] or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. 42 U.S.C. 1396e(a) through (e) authorizes states to establish a health insurance premium payment, or HIPP, program to provide health insurance coverage outside of Medicaid to Medicaid enrollees, and any family member of Medicaid enrollees, if the department determines that HIPP program participation would be cost effective for the department. This administrative regulation establishes the Kentucky integrated[~~Kentucky's~~] health insurance premium payment program requirements as authorized by 42 U.S.C. 1396e(a) through (e).

Section 1. Definitions.

(1) "Buying in" means purchasing benefits from Medicare on behalf of an individual.

(2) "Department" means the Department for Medicaid Services or its designee.

(3) "Federal financial participation" is defined in 42 C.F.R. 400.203.

(4) "Group health insurance plan" means any plan, including a self-insured plan, of, or contributed to by, an employer to provide health care directly or otherwise to the employer's employees, former employees, or the families of the employees or former employees, if the plan:

(a) Meets the criteria established in 26 U.S.C. 5000(b)(1); and

(b) Includes continuation coverage pursuant to 26 U.S.C. 4980B or 29 U.S.C. 1161 to 1169.

(5)[~~"Kentucky integrated health insurance premium payment program participant" or "KI-HIPP program participant" means an individual receiving health insurance benefits in accordance with this administrative regulation.~~

~~(6)~~] "Income" means:

(a) Wages, salary, or compensation for labor or services;

(b) Money received from a statutory benefit including Social Security, Veteran's Administration pension, black lung benefit, or railroad retirement benefit; or

(c) Money received from any pension plan, rental property, or an investment including interest or dividends.

(6)[~~(7)~~] "Income deduction" means a deduction from an individual's income for the
purpose of obtaining or trying to obtain Medicaid eligibility.

(7) "Kentucky integrated health insurance premium payment program participant" or "KI-HIPP program participant" means an individual receiving health insurance benefits in accordance with this administrative regulation.

(8) "Medicaid" means the Kentucky Medicaid program.

(9) "Medicaid enrollee" means an individual eligible for and participating in Medicaid pursuant to 907 KAR 1:005[~~1:011~~], 907 KAR 20:010[~~1:605~~], 907 KAR 20:020[~~1:640~~], and 907 KAR 20:025[~~1:645~~].

(10) "Spend-down program" means a program by which an

individual becomes eligible for Medicaid benefits:

(a) By spending down income in excess of the Medicaid income threshold; and

(b) In accordance with 907 KAR 20:020[~~1:640~~].

(11) "State plan" is defined in 42 C.F.R. 430.10.

(12) "Wrap-around coverage" means coverage of a benefit not covered by an individual's group health insurance plan.

Section 2. KI-HIPP Program Eligibility and Enrollment.

(1) A Medicaid enrollee, or a person acting on the Medicaid enrollee's behalf, shall cooperate in providing information to the department necessary for the department to establish availability and cost effectiveness of a group health insurance plan by:

(a) Completing the ***Kentucky Health Insurance Premium Payment Program Application[~~Healthcare Coverage Form~~]***[~~Kentucky Health Insurance Premium Payment Program Application~~]; and

(b) Submitting the ***Kentucky Health Insurance Premium Payment Program Application[~~Healthcare Coverage Form~~]*** [~~Kentucky Health Insurance Premium Payment Program Application~~] to the individual's local Department for Community Based Services office, the office administering the Kentucky integrated health insurance premium payment program, or on-line via the Kentucky Online Gateway self-service portal.

(2) A Medicaid enrollee or beneficiary shall participate in the KI-HIPP program if the department determines in accordance with this administrative regulation that the Medicaid enrollee or beneficiary's participation in the KI-HIPP program would be cost-effective.

(3) If a Medicaid enrollee, KI-HIPP program applicant, participant, parent, guardian, or caretaker fails to provide information to the department, within thirty (30)[~~ten (10)~~] days of the department's request, necessary to determine availability and cost effectiveness of a group health insurance plan, the department shall:

(a) Not enroll the applicant in the KI-HIPP program unless good cause for failure to cooperate is demonstrated to the department within thirty (30) days of the department's denial; and

(b) Terminate the individual from the Medicaid program pursuant to 907 KAR 20:060.

(4)[~~(3)~~] Good cause for failure to cooperate shall exist if:

(a) There was a serious illness or death of the applicant, participant, parent, guardian, or caretaker or of a member of the applicant's, participant's, parent's, guardian's, or caretaker's immediate family;

(b) There was a fire, tornado, flood, or similar family emergency or household disaster affecting the applicant, participant, parent, guardian, or caretaker or member of his or her immediate family;

(c) The applicant, participant, parent, guardian, or caretaker demonstrates that a good cause beyond that individual's control has occurred; or

(d) There was a failure to receive the department's request for information or notification for a reason not attributable to the applicant, participant, parent, guardian, or caretaker[~~occurred~~]. The lack of a forwarding address shall be attributable to the applicant, participant, parent, guardian, or caretaker.

(5)[~~(4)~~] For a Medicaid enrollee who is a KI-HIPP program participant:

(a) The department shall pay all group health insurance plan premiums and deductibles, coinsurance and other cost-sharing obligations for items and services otherwise covered under Medicaid, up to the Medicaid allowed amount, minus any Medicaid cost-sharing that would normally be paid, including the cost-sharing required under 895 KAR 1:010, 1:015, and 907 KAR 1:604, as applicable; and

(b)1. The individual's group health insurance plan shall be the primary payer; and

2. The department shall be the payer of last resort.

(6)[~~(5)~~] For a KI-HIPP program participating family member who is not a Medicaid enrollee:

(a) The department shall pay a KI-HIPP program premium; and

(b) The department shall not pay a deductible, coinsurance or other cost-sharing obligation.

(7)[~~(6)~~] If an individual who was a Medicaid enrollee at the time the department initiated a KI-HIPP program cost effectiveness review for the individual loses Medicaid eligibility by the time the cost effectiveness review has been conducted, the department shall not enroll the individual or any family member into the KI-HIPP program.

Section 3. Wrap-around Coverage.

(1) If a service to which a health insurance premium payment program participant would be entitled via Medicaid is not provided by the individual's group health insurance plan, the department shall reimburse for the service.

(2) For a service referenced in subsection (1) of this section, the department shall reimburse:

(a) The provider of the service; and

(b) In accordance with the department's administrative regulation governing reimbursement for the given service. For example, a wrap-around dental service shall be reimbursed in accordance with 907 KAR 1:626.

Section 4. Cost Effectiveness.

(1) Enrollment in a group health insurance plan shall be considered cost effective if the cost of paying the premiums, coinsurance, deductibles and other cost-sharing obligations, and additional administrative costs is estimated to be less than the amount paid for an equivalent set of Medicaid services.

(2) When determining cost effectiveness of a group health insurance plan, the department shall consider the following information:

(a) The cost of:

1. The insurance premium,

2. The coinsurance,

3. Medicaid's anticipated expenses for the:

a. KI-HIPP program participant;

b. KI-HIPP program participant's household; or

c. KI-HIPP program participant's subdivision of a household, and

4. The deductible;

(b) The scope of services covered under the insurance plan, including exclusions for pre-existing conditions, exclusions to enrollment, and lifetime maximum benefits imposed;

(c) The average anticipated Medicaid utilization:

1. By age, sex, and coverage group for persons covered under the insurance plan; and

2. Using a statewide average for the geographic component; and

(d)[~~The specific health-related circumstances of the persons covered under the insurance plan; and~~

~~(e)~~] Annual administrative expenditures of an amount determined by the department per Medicaid participant covered under the group health insurance plan.

Section 5. Cost Effectiveness Review.

(1) The department shall complete a cost effectiveness review[~~:~~

~~(a)~~] at least annually[~~once every six (6) months~~] for an employer-related group health insurance plan[~~;~~] or[~~(b) Annually for~~] a non-employer-related group health insurance plan.

(2) The department shall perform a cost effectiveness re-determination if:

(a) A predetermined premium rate, deductible, or coinsurance increases;

(b) Any of the individuals covered under the group health insurance plan lose full Medicaid eligibility; or

(c) There is a:

1. Change in Medicaid eligibility;

2. Loss of employment if the insurance is through an employer; or

3. Decrease in the services covered under the policy.

(3)(a) A health insurance premium payment program participant who is a Medicaid enrollee, or a person on that individual's behalf, shall report all changes concerning health

insurance coverage to the Third Party Liability Branch office within the Department for Medicaid Services that administers the Kentucky Integrated Health Insurance Premium Payment program, or to the participant's local Department for Community Based Services (DCBS), Division of Family Support, within ***thirty (30)[~~ten (10)~~]*** days of the change.

(b) Except as allowed in subsection (4) of this section, if a Medicaid enrollee who is a health insurance premium payment program participant fails to comply with paragraph (a) of this subsection, the department shall:

1. Disenroll[~~from the HIPP program~~] the KI-HIPP program participating Medicaid enrollee, and any family member enrolled in the KI-HIPP program directly through the individual, if applicable, from the KI-HIPP program; and

2. Terminate the KI-HIPP program participating enrollee, and any family member enrolled in the KI-HIPP program directly through the individual from the Medicaid program unless the family member qualifies for Medicaid eligibility independently of the KI-HIPP participating enrollee.

(4) The department shall not disenroll or terminate an individual, or any family member enrolled in the KI-HIPP program directly through the individual, from KI-HIPP program participation if the individual demonstrates to the department, within thirty (30) days of notice of KI-HIPP program disenrollment, good cause for failing to comply with subsection (3) of this section.

(5) Good cause for failing to comply with subsection (3) of this section shall exist if:

(a) There was a serious illness or death of the individual, parent, guardian, or caretaker or a member of the individual's, parent's guardian's, or caretaker's immediate family;

(b) There was a fire, tornado, flood, or similar family emergency or household disaster affecting the applicant, participant, parent, guardian, or caretaker or member of his or her immediate family;

(c) The individual, parent, guardian, or caretaker demonstrates that a good cause beyond that individual's control has occurred; or

(d) There was a failure to receive the department's request for information or notification for a reason not attributable to the individual, parent, guardian, or caretaker. The lack of a forwarding address shall be attributable to the individual, parent, guardian, or caretaker.

Section 6. Kentucky HEALTH participation in KI-HIPP.

(1) A Kentucky HEALTH member who has access to employer-sponsored health insurance through an employer shall be eligible for mandatory enrollment within KI-HIPP as follows:

(a) After concurrently or consecutively completing:

1. Twelve (12) months of Kentucky HEALTH enrollment; and

2. Twelve (12) months of employment with access to compatible employer-sponsored health insurance;

(b) If the employer-sponsored health insurance is compatible with the KI-HIPP program; and

(c) If the employer-sponsored health insurance is cost-effective for the entire household.

(2) A Kentucky HEALTH member who is not currently required to participate in KI-HIPP pursuant to subsection (1) of this section may elect to participate in KI-HIPP and submit documentation for an eligibility determination as provided in Section 2 of this administrative regulation.

(3)(a) A Kentucky HEALTH member may elect to participate in KI-HIPP as an employee if the beneficiary's employer sponsored insurance program is determined to be cost-effective for the employee, but not for the entire household; or

(b) A Kentucky HEALTH member may elect to participate in KI-HIPP as a cost-effective subdivision of the beneficiary's household if the employee participates in KI-HIPP but the entire household is determined to not be cost-effective.

(4) A Kentucky HEALTH beneficiary participating in the KI-HIPP program shall:

(a) Receive a MyRewards Account pursuant to 895 KAR 1:030;

(b) Accrue dollars in a MyRewards account by completing any applicable activities pursuant to 895 KAR 1:030;

(c) Receive an exemption from the PATH requirement established in 895 KAR 1:020;

(d) Receive wraparound services as provided pursuant to 895 KAR 1:010 depending on the beneficiary's benefits under the beneficiary's employer sponsored insurance program; and

(e) Comply with any cost-sharing requirement established pursuant to ***KAR*** Title 895***[KAR]*** or 907 KAR 1:604.

Section 7. Coverage of Non-Medicaid Family Members.

(1) If determined to be cost effective, the department shall enroll a family member who is not a Medicaid enrollee into the KI-HIPP program if the family member has group health insurance plan coverage through which the department can obtain health insurance coverage for a Medicaid-enrollee in the family.

(2) The needs of a family member who is not a Medicaid enrollee shall not be taken into consideration when determining cost effectiveness of a group health insurance plan.

(3) The department shall:

(a) Pay a KI-HIPP program premium on behalf of a KI-HIPP program participating family member who is not a Medicaid enrollee; and

(b) Not pay a deductible, coinsurance, or other cost-sharing obligation on behalf of a KI-HIPP program participating family member who is not a Medicaid enrollee.

Section 8.[~~7.~~] Exceptions. The department shall not pay a premium:

(1) For a group health insurance plan if the plan is designed to provide coverage for a period of time less than the standard one-year coverage period;

(2) For a group health insurance plan if the plan is a school plan offered on the basis of attendance or enrollment at the school;

(3) If the premium is used to meet a spend-down obligation and all persons in the household are eligible or potentially eligible only under the spend-down program pursuant to 907 KAR ***20:020[~~1:640~~]***. If any household member is eligible for full Medicaid benefits, the premium shall:

(a) Be paid if it is determined to be cost effective when considering only the household members receiving full Medicaid coverage; and

(b) Not be allowed as a deduction to meet the spend-down obligation for those household members participating in the spend-down program.

(4) For a group health insurance plan if the plan is an indemnity policy which supplements the policy holder's income or pays only a predetermined amount for services covered under the policy.

Section 9.[~~8.~~] Duplicate Policies.

(1) If more than one (1) group health insurance plan or policy is available, the department shall pay only for the most cost-effective plan except as allowed in subsection (2) of this section.

(2) If the department is buying in to the cost of Medicare Part A or Part B for an eligible Medicare beneficiary, the cost of premiums for a Medicare supplemental insurance policy shall also be paid if the department determines that it is likely to be cost effective to do so.

Section 10.[~~9.~~] Discontinuance of Premium Payments.

(1) If all Medicaid-enrollee household members covered under a group health insurance plan lose Medicaid eligibility, the department shall discontinue KI-HIPP program payments as of the month of Medicaid ineligibility.

(2) If one (1) or more, but not all, of a household's Medicaid-enrollee members covered under a group health insurance plan lose Medicaid eligibility, the department shall re-determine cost effectiveness of the group health insurance plan in accordance with Section 5(2) of this administrative regulation.

Section 11.[~~10.~~] Kentucky Integrated Health Insurance Premium Payment Program Payment Effective Date.

(1)(a) KI-HIPP program payments for cost-effective group health insurance plans shall begin with the month the health

insurance premium payment program application is received by the department, or the effective date of Medicaid eligibility, whichever is later.

(b) If an individual is not currently enrolled in a cost effective group health insurance plan, premium payments shall begin in the month in which the first premium payment is due after enrollment occurs.

(2) The department shall not make a payment for a premium which is used as an income deduction when determining individual eligibility for Medicaid.

Section 12.[~~11.~~] Premium Refunds. The department shall be entitled to any premium refund due to:

(1) Overpayment of a premium; or

(2) Payment for an inactive policy for any time period for which the department paid the premium.

Section 13.[~~12.~~] Notice. The department shall inform a Kentucky integrated health insurance premium payment program:

(1) Applicant, in writing, of the department's initial decision regarding cost effectiveness of a group health insurance plan and KI-HIPP program payment; or

(2) Participating household, in writing:

(a) If KI-HIPP program payments are being discontinued due to Medicaid eligibility being lost by all individuals covered under the group health insurance plan;

(b) If the group health insurance plan is no longer available to the family; or

(c) Of a decision to discontinue KI-HIPP program payment due to the department's determination that the policy is no longer cost effective.

Section 14.[~~13.~~] Federal Financial Participation.

(1) The Kentucky integrated[~~department's~~] health insurance premium program shall be contingent upon the receipt of federal financial participation for the program.

(2) If federal financial participation is not provided to the department for the Kentucky integrated[~~department's~~] health insurance premium program, the program shall cease to exist.

(3) If the Centers for Medicare and Medicaid Services (CMS) disapproves a provision stated in an amendment to the state plan, which is also stated in this administrative regulation, the provision shall be null and void.

Section 15[~~14~~]. Incorporation by Reference.

(1) "***Kentucky Health Insurance Premium Payment Program Application", KIHIPP-100, April 2019[~~The "Healthcare Coverage Form", November 2018~~]***[~~"Kentucky Health Insurance Premium Payment Program Application", September 2010~~] edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m., or from the department's Web site at http://www.chfs.ky.gov/dms/incorporated.htm.

CAROL H. STECKEL, Commissioner
ADAM M. MEIER, Secretary

APPROVED BY AGENCY: December 21, 2018

FILED WITH LRC: January 15, 2019 at 11 a.m.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746, fax 502-564-7091; CHFSregs@ky.gov.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING OR RECEIPT OF WRITTEN COMMENTS

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Inspector General
Division of Health Care
(Amended After Comments)

902 KAR 20:111. Medically managed intensive inpatient withdrawal management[~~Medical detoxification services~~].

RELATES TO: KRS 216B.015(13), **Chapter 311,** 21 U.S.C. Section 823(g)(2) [~~216B.010-216B.131, 216B.990(1), (2)~~]

STATUTORY AUTHORITY: KRS 216B.042, 222.211(1)(c) [~~216B.040, 216B.105~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.042 requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary for the proper administration of the licensure function, which includes establishing licensure standards and procedures to ensure safe, adequate, and efficient health facilities and health services. KRS 222.211(1)(c) requires the cabinet to be responsible for assuring that **withdrawal management** services are provided on a twenty-four (24) hour basis in or near population centers that meet the immediate medical and physical needs of persons intoxicated from the use of alcohol or drugs, or both, including necessary diagnostic and referral services. This administrative regulation establishes standards for medically managed intensive inpatient withdrawal management provided by a chemical dependency treatment program or hospital.[~~KRS 216B.040 and 216B.105 mandate that the Cabinet for Human Resources regulate health facilities and health services. This administrative regulation provides for the licensure requirements of medical detoxification services.~~]

Section 1. Definitions. (1) "Chemical dependency treatment program" means a freestanding or hospital-based facility licensed in accordance with 902 KAR 20:160.

(2) "Hospital" means a:

(a) General acute care hospital licensed in accordance with 902 KAR 20:009 and 902 KAR 20:016; or

(b) Psychiatric hospital licensed in accordance with 902 KAR 20:170 and 902 KAR 20:180.

Section 2. Services. (1) Medically managed intensive inpatient services shall:

(a) Be delivered twenty-four (24) hours a day in a permanent facility that is a:

1. Chemical dependency treatment program; or

2. Hospital[~~with chemical dependency treatment beds~~];

(b) Offer medically directed withdrawal management and treatment designed to alleviate acute emotional, behavioral, cognitive, or biomedical distress resulting from, or co-occurring with a patient's use of alcohol or other drugs;

(c) Be provided by a team of interdisciplinary staff under the direction of a licensed physician;

(d) Be provided in accordance with:

1. Physician-approved policies and physician-monitored procedures; or

2. Clinical protocols; and

(e) Include[~~the following features~~]:

1. Availability of specialized clinical consultation, medical evaluation, and supervision for biomedical, emotional, behavioral, and cognitive problems;

2. Ability to arrange for appropriate laboratory and toxicology tests, including human immunodeficiency virus (HIV), hepatitis, and other tests for communicable diseases;

3. Affiliation with other levels of care; and

4. Availability of emergency life support and treatment, either directly or through transfer of the patient to another:

a. Service within the facility; or

b. Health facility equipped to provide emergency care.

(2) Services shall be provided only to patients who meet the:

(a) Diagnostic criteria for substance intoxication or withdrawal disorder as established by the most recent version of the Diagnostic and Statistical Manual of Mental Disorders (DSM) for alcohol, tobacco, and other drug use; and

(b) Dimensional criteria for medically managed intensive inpatient services as established in the most recent version of The American Society of Addiction Medicine (ASAM) Criteria.

Section 3. Staff Requirements and Responsibilities. (1) Physician.

(a) There shall be at least one (1) physician who is:

1. Licensed to practice medicine under KRS Chapter 311; and

2. Responsible for diagnosis, treatment, and treatment plan decisions in collaboration with the patient, including:

a. Whether **or not** to admit the patient;

b. Whether **or not** to continue the patient in care; and

c. When to transfer or discharge the patient.

(b) If a facility is managing acute opioid withdrawal, there shall be at least one (1) physician with a waiver under 21 U.S.C. Section 823(g)(2) to prescribe drugs approved by the Food and Drug Administration for the treatment of opioid use disorder, as indicated.

(c) The physician shall:

1. Assess the patient within twenty-four (24) hours of admission, or earlier if indicated; and

2. Provide on-site monitoring, medical services, and patient evaluation daily.

(2) Nurse.

(a) There shall be at least one (1) full-time registered nurse.

(b) If the registered nurse is not on duty, a licensed practical nurse shall be responsible for on-site nursing care and a registered nurse shall be on call.

(c) Twenty-four (24) hour nursing services shall include:

1. A comprehensive nursing assessment, conducted at the time of admission; and

2. Monitoring of the patient's progress, which may occur hourly if needed.

(3) Clinical staff. Clinical staff shall:

(a) Be trained and competent to provide physician-directed care and treatment;

(b) Be able to obtain and interpret information regarding the needs of the patients; and

(c) Provide counseling services if authorized under the scope of the clinician's professional license.

(4) There shall be at least one (1) staff person on duty at all times who is trained in cardiopulmonary resuscitation.

Section 4. Medication. A notation shall be made in the patient's record of all medications administered in accordance with physician orders, including:

(1) Date;

(2) Time;

(3) Dosage;

(4) Frequency of administration; and

(5) Name of the individual administering each dose.

Section 5. Therapies. Therapies shall include daily clinical services to assess and address the needs of each patient, including[~~the following~~]:

(1) Medical services as needed, including stabilization of the patient;

(2) Withdrawal rating scale tables and flow sheets that include tabulation of vital signs, if needed;

(3)[~~Individual counseling;~~

~~(4) Group counseling;~~

~~(5)~~] Withdrawal support;

~~(4)[(6)~~] A range of cognitive, behavioral, medical, mental health, and other therapy as needed to enhance the patient's understanding of:

(a) Addiction;

(b) Completion of the withdrawal management process; and

(c) Referral to an appropriate level of care for continuing treatment;

(5)[~~(7)~~] Interdisciplinary individualized assessment and treatment;

(6)[~~(8)~~] Health education services; and

(7)[~~(9)~~] Services to family members or significant others.

Section 6. Assessment and Treatment Plan. (1) Assessment and treatment planning shall include**[~~the following elements~~]**:

(a) An individualized treatment plan developed in collaboration with the patient within twenty-four (24) hours of admission, including:

1. Problem identification in dimensions two (2) through six (6) of the most recent version of The ASAM Criteria;

2. Development of treatment goals and measurable treatment objectives; and

3. Activities designed to meet the treatment objectives and management of withdrawal syndrome;

(b) Daily assessment of:

1. Progress during withdrawal management; and

2. Any treatment changes;

(c) Transfer and discharge planning, beginning at the point of admission; and

(d) Referral and linkage arrangements for:

1. Counseling;

2. Medical care;

3. Medication assisted treatment, as indicated;

4. Psychiatric care; and

5. Continuing care.

(2) Physician and nurse progress notes shall:

(a) Be maintained in the patient record;

(b) Reflect implementation of the treatment plan;

(c) Document the client's response to treatment; and

(d) Include each amendment of the treatment plan.

Section 7. Discharge Criteria. (1) A patient shall continue to receive medically managed intensive inpatient withdrawal management until the patient's acute withdrawal signs and symptoms are sufficiently resolved so that the patient can safely transition into continuing services or transfer to a less intensive level of care.

(2) A patient's discharge summary shall be completed within twenty-four (24) hours of discharge and include**[~~the following~~]**:

(a) The course and progress of the patient with regard to the treatment plan;

(b) General observations of the patient's condition initially, during treatment, and at discharge; and

(c) Recommendations and arrangements for further treatment.

[~~"Detoxification" means the systematic reduction of the amount of a toxic agent in the body or the elimination of a toxic agent from the body.~~

~~(2) "Service" means a medical detoxification service.~~

~~Section 2. Scope of Operation and Services. A facility with a medical detoxification service provides examination, diagnosis, treatment, and referral for intoxicated persons and persons evaluated by a physician to be alcoholics or abusers of other chemical substances in need of detoxification. Medical detoxification services are provided in a facility licensed as a hospital, psychiatric hospital or chemical dependency treatment service and are available on a twenty-four (24) hour basis.~~

~~Section 3. Minimum Standards of Operation. (1) The medical detoxification service shall be provided on the premises of a facility licensed as a hospital, psychiatric hospital or chemical dependency treatment service under the applicable health service and health facility licensure administrative regulations. The service shall have staff, operating procedures and records appropriate to the licensure category of the facility providing the service.~~

~~(2) A psychiatric hospital or chemical dependency treatment service providing medical detoxification shall have provisions for obtaining emergency medical treatment through a licensed hospital with an organized emergency department.~~

~~(3) The facility shall provide extended medical care of the patient within the primary facility or through cooperative arrangement with or referral to another licensed medical care facility if services required for the patient are not available in the primary facility.~~

~~(4) The service shall be operated by licensed staff trained in alcohol and drug treatment procedures who receive regular in-service training relating to their job activities. There shall be at least one (1) person on duty at all times who has received training in cardiopulmonary resuscitation.~~

~~(5) The service shall have twenty-four (24) hour capability, and shall provide examination, diagnosis, treatment, and appropriate referral for all patients.~~

~~(6) A physical examination shall be conducted prior to commencing detoxification or administering medications to determine whether the patient requires transfer to a more appropriate level of care. Admission for inpatient treatment shall be determined by an attending or examining staff physician. The medical care of the patient during detoxification shall be directed by a physician.~~

~~(7) Prior to discharge from the detoxification service an assessment of the patient's condition shall be conducted to determine an appropriate referral for continuing care.~~

~~(8) The facility shall designate the number of beds to be available for detoxification services and assure space is available with reasonable privacy for examination, detoxification, observation, evaluation and treatment of the medical alcohol or drug emergency patient.~~

~~(9) The facility shall have written affiliation with other licensed alcohol and drug services available in the community such as: chemical dependency treatment services and services licensed under 902 KAR Chapter 3 including situation, identification, and disposition (SID) units, thirty (30) day residential units, halfway houses and outpatient services.~~

~~(10) The facility shall have the following equipment immediately available:~~

~~(a) Complete parenteral treatment equipment;~~

~~(b) Appropriate pharmaceutical supplies to include tranquilizers, anticonvulsants, oral and parenteral vitamins;~~

~~(c) Ventilation equipment including masks and cannulae for administration of oxygen and suction equipment; and~~

~~(d) An emergency crash cart.~~

~~(11) The facility shall have twenty-four (24) hour access to physician services on at least an on-call basis.~~]

STEVEN D. DAVIS, Inspector General
ADAM M. MEIER, Secretary

APPROVED BY AGENCY: May 6, 2019

FILED WITH LRC: May 14, 2019 at 4 p.m.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Persons: Stephanie Brammer-Barnes, email: stephanie.brammer@ky.gov, phone: 502-564-2888; and Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes standards for medical detoxification services provided by chemical dependency treatment programs licensed in accordance with 902 KAR 20:160 and licensed general acute care or psychiatric hospitals.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to comply with KRS 216B.042, which requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary for the proper administration of the licensure function, including licensure standards and procedures to ensure safe, adequate, and efficient health services. This administrative regulation is also necessary to comply with KRS 222.211(1)(c), which requires the

Cabinet to be responsible for assuring that services are provided on a twenty-four (24) hour basis in or near population centers that meet the immediate medical and physical needs of persons intoxicated from the use of alcohol or drugs, or both, including necessary diagnostic and referral services.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 216B.042 and KRS 222.211(1)(c).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing standards for medical detoxification services provided by chemical dependency treatment programs and general acute care or psychiatric hospitals.

(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 replaces "medical detoxification services" with "medically managed intensive inpatient withdrawal management" to more accurately describe services that assist a patient's withdrawal. The liver detoxifies, but clinicians manage withdrawal as established by this amendment. Additionally, this amendment clarifies that if a facility is managing acute opioid withdrawal, the facility shall have at least one (1) physician with a Drug Enforcement Administration (DEA) waiver to prescribe drugs approved by the Food and Drug Administration for the treatment of opioid use disorder, as indicated. Based upon written comments received during the public comment period, the Cabinet has made the following substantive revisions in the proposed "Amended After Comments" administrative regulation: Deleted the proposed requirement in Section 2(2)(a) that would have restricted the delivery of medically managed intensive inpatient services to facilities with licensed chemical dependency treatment beds if provided by in a hospital; and

Eliminated the proposed requirement for daily individual and group counseling from Section 5(3) and (4).

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to more accurately describe inpatient services delivered to patients experiencing acute withdrawal signs and symptoms.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 216B.042 and KRS 222.211(1)(c).

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the statutes by establishing standards for medically managed intensive inpatient withdrawal.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation impacts licensed chemical dependency treatment programs and hospitals that provide medically managed intensive inpatient withdrawal management. Currently, there are three (3) freestanding chemical dependency treatment programs licensed under 902 KAR 20:160 and a combined total of 84 general acute care and psychiatric hospitals in Kentucky.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Licensed entities that provide medically managed intensive inpatient withdrawal management must:

Ensure that treatment is designed to alleviate acute emotional, behavioral, cognitive, or biomedical distress resulting from, or co-occurring with a patient's use of alcohol or other drugs;

Ensure that services are provided by a team of interdisciplinary staff under the direction of a licensed physician;

Ensure that services are provided only to patients who meet the diagnostic criteria for substance intoxication or withdrawal disorder as established by the most recent version of the DSM and meet the dimensional criteria for medically managed intensive inpatient services as established in the most recent version of the ASAM;

Provide twenty-four (24) hour nursing services; and

Ensure that a patient is discharged only if the patient's acute withdrawal signs and symptoms are sufficiently resolved so that the patient can safely transition into continuing services or to a less intensive level of care.

(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 to comply with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): By updating obsolete language, this amendment more accurately describes the type of inpatient services provided by the licensed entities identified in question (3).

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

(a) Initially: There are no additional costs to the cabinet related to implementation of this amendment.

(b) On a continuing basis: There are no additional costs to the cabinet related to implementation of this amendment on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State general funds and agency monies will be used to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement this amendment.

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

(9) TIERING: Is tiering applied? Tiering is not applicable as compliance with this 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? This administrative regulation impacts the Cabinet for Health and Family Services, Office of Inspector General, licensed chemical dependency treatment programs and hospitals that provide medically managed intensive inpatient withdrawal management.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 216B.042 and 222.211

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? This amendment will not generate any additional revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment will not general any additional revenue.

(c) How much will it cost to administer this program for the first year? This amendment imposes no additional costs on the administrative body.

(d) How much will it cost to administer this program for subsequent years? This amendment imposes no additional costs on the administrative body.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 21 U.S.C. Section 823(g)(2)

(2) State compliance standards. KRS 216B.042 and 222.211

(3) Minimum or uniform standards contained in the federal mandate. On October 17, 2000, Congress passed the Drug Addiction Treatment Act (DATA) which permits qualified physicians to treat narcotic dependence with schedules III-V narcotic controlled substances that have been approved by the Food and Drug Administration (FDA) for that indication. The legislation waives the requirement for obtaining a separate Drug Enforcement Administration (DEA) registration as a Narcotic Treatment Program (NTP) for qualified physicians administering, dispensing, and prescribing these specific FDA approved controlled substances. Physicians registered with the DEA as practitioners who apply and are qualified pursuant to DATA are issued a waiver (DWP) and will be authorized to conduct maintenance and detoxification treatment using specifically approved schedule III, IV, or V narcotic medications. DATA waivers are only granted to qualified physicians.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose requirements that are more strict than federal laws or regulations.

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

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Policy and Operations
(Amended After Comments)

907 KAR 1:022. Nursing facility services and intermediate care facility for individuals with an intellectual disability services.

RELATES TO: 42 C.F.R. 431.153, 431.154, 447.280, 482.58[~~430, 431, 432, 433, 435, 440, 441, 442, 447, 455, 456~~], 42 U.S.C. 1395tt, 1396l, 1396r[~~1396a, b, c, d, g, i, l, n, o, p, r, r-2, r-3, r-5, s~~]

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.558

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds[~~for the provision of medical assistance to Kentucky's indigent citizenry~~]. This administrative regulation establishes the provisions relating to nursing facility services and services at an intermediate care facility for individuals with an intellectual disability[~~services~~] for which payment shall be made by the Medicaid Program on behalf of both the categorically needy and medically needy recipients.

Section 1. Definitions. (1) "Department" means the Department for Medicaid Services or its designee.

(2) "Department approved system" means a technology system in which:

(a) Providers electronically submit and track level of care (LOC) requests through a self-service portal;

(b) The system triggers LOC tasks as reminders to providers and allows them to submit reassessments electronically; and

(c) Information is exchanged electronically with Kentucky's:

1. Medicaid Enterprise Management Solution (MEMS); and

2. Integrated eligibility and enrollment system.

(3) "High-intensity nursing care services" means care provided:

(a) To a Medicaid-eligible individual who meets high-intensity nursing care patient status criteria in accordance with Section 4 of this administrative regulation; and

(b) By a nursing facility or a nursing facility with Medicaid waiver participating in the Medicaid Program with care provided in beds also participating in the Medicare Program.

(4)[~~(3)~~] "High-intensity rehabilitation[~~rehabilitative~~] services" means therapy services that[~~which~~]:

(a) Are expected to improve an individual's condition while the individual possesses reasonable potential for improvement in functional capability; and

(b) Do not include restorative and maintenance nursing procedures, including routine range of motion exercises and application of splints or braces by nurses and staff.

(5)[~~(4)~~] "Intermediate care facility for individuals with an intellectual disability" or "ICF-IID" means a licensed intermediate care facility for individuals with an intellectual disability certified by[~~to~~] the Department for Medicaid Services as meeting all standards for an intermediate care facility for individuals with an intellectual disability.

(6)[~~(5)~~] "Intermediate care facility for individuals with an intellectual disability services" or "ICF-IID services" means care provided:

(a) To a Medicaid-eligible individual who meets ICF-IID patient status criteria in accordance with Section 4 of this administrative regulation; and

(b) By an ICF-IID participating in the Medicaid Program.

(7)[~~(6)~~] "Intermittent high-intensity nursing care services" means services for an individual who requires high-intensity nursing care services at regular or irregular intervals, but not on a twenty-four (24) hour-per-day basis and not less than three (3) calendar days per week.

(8)[~~(7)~~] "Low-intensity nursing care services" means care provided:

(a) To a Medicaid-eligible individual who meets low-intensity nursing care patient status criteria in accordance with Section 4 of this administrative regulation; and

(b) By a nursing facility or a nursing facility with Medicaid waiver participating in the Medicaid program.

(9)[~~(8)~~] "Medical condition" means a[~~usually defective~~] state of health relative to a clinical diagnosis made by a licensed physician, physician assistant,[~~or~~] advanced practice registered nurse, or a qualified behavioral health professional[~~practitioner~~].

(10)[~~(9)~~] "Nursing facility" or "NF" means:

(a) A facility:

1. To which the Cabinet for Health and Family Services, Office of Inspector General[~~state survey agency~~] has granted an NF license;

2. For which the Cabinet for Health and Family Services, Office of Inspector General[~~state survey agency~~] has recommended to the department certification as a Medicaid provider; and

3. To which the department has granted certification for Medicaid participation; or

(b) A hospital swing bed that provides services in accordance with 42 U.S.C. 1395tt and 1396l, if the swing bed is certified to the department as meeting requirements for the provision of swing bed services in accordance with 42 U.S.C. 1396r(b), (c), (d), 42 C.F.R. 447.280 and 482.58[~~482.66~~].

(11)[~~(10)~~] "Nursing facility with Medicaid waiver" or "NF-W" means a facility:

(a) To which the Cabinet for Health and Family Services, Office of Inspector General[~~state survey agency~~] has granted an NF license;

(b) For which the Cabinet for Health and Family Services, Office of Inspector General[~~state survey agency~~] has recommended to the department certification as a Medicaid provider;

(c) To which the department has granted a waiver of the nurse staffing[~~nursing staff~~] requirement; and

(d) To which the department has granted certification for Medicaid participation.

(12)[~~(11)~~] "Patient status" means[~~that~~] an individual's level of care[~~individual possesses care needs~~] in accordance with Section 4 of this administrative regulation for treatment in an institutional setting.

(13)[~~(12)~~] "Personal care" means services to help an individual achieve and maintain good personal hygiene, which may include assistance with bathing, shaving, cleaning and trimming of fingernails and toenails, cleaning of the mouth and teeth,[~~and~~] washing, and grooming and cutting of hair.

(14)[~~(13)~~] "Stable medical condition" means a medical condition that[~~which~~] is capable of being maintained in accordance with a planned treatment regimen requiring a minimum amount of medical supervision without significant change or fluctuation in a patient's condition or treatment regimen.

Section 2. Participation Requirements. A facility desiring to participate in the Medicaid program as a nursing facility, nursing facility with Medicaid waiver, or ICF-IID shall meet the requirements established in this section. (1) An application for participation shall be made in accordance with 907 KAR 1:671 and 907 KAR 1:672.

(2)(a) Except as provided by paragraph (b) of this subsection or for a nursing facility with Medicaid waiver, a nursing facility shall have at least twenty (20) percent of all Medicaid certified beds, but not less than ten (10) beds, also certified to participate in Medicare[~~unless the facility has obtained a Medicaid waiver of the nurse staffing requirement~~].

(b) If a nursing facility has less than ten (10) beds certified for Medicaid, all Medicaid certified beds shall also be certified to participate in Medicare.

(3)(a) Except as provided by paragraph (b) of this subsection, if a nursing facility with Medicaid waiver[~~which has obtained a Medicaid waiver of the nurse staffing requirements~~] chooses to participate in Medicare, the facility shall have at least twenty (20) percent of all Medicaid certified beds, but not less than ten (10) beds, also certified to participate in Medicare.

(b) If a nursing facility with Medicaid waiver has less than ten (10) beds[~~are~~] certified for Medicaid, all Medicaid beds shall also be certified to participate in Medicare.

(4) A nursing facility or a nursing facility with Medicaid waiver shall[~~be required to~~] comply with the preadmission screening and resident review requirements specified in 42 U.S.C. 1396r and 907 KAR 1:755. A facility failing to comply with these requirements shall be subject to disenrollment, with exclusion from participation to be accomplished in accordance with 907 KAR 1:671, 42 C.F.R. 431.153, and 42 C.F.R. 431.154.

(5) A facility shall[~~be required to~~] be certified by the Cabinet for Health and Family Services, Office of Inspector General[~~state survey agency~~] as meeting NF, NF-W, or ICF-IID status.

(6) In order to provide specialized rehabilitation services to an individual with a brain injury in accordance with Section 6 of this administrative regulation, a facility shall be accredited by**:**

(a) The Joint Commission;

(b) The Commission on Accreditation of Rehabilitation Facilities;

(c) The Council on Accreditation; or

(d) A nationally recognized accreditation organization[~~the Commission on Accreditation of Rehabilitation Facilities (CARF)~~].

(7) A participating nursing facility shall be certified in accordance with standards and conditions specified in this administrative regulation[~~the Medicaid Nursing Facility Services Manual~~] before the facility may operate a unit that provides:

(a) Preauthorized specialized rehabilitation services for a person with a brain injury; or

(b) Care for a person who is ventilator dependent.

(8) A participating nursing facility, nursing facility with Medicaid waiver, or ICF-IID shall enter a resident's discharge date into a department approved system.

(9)(a) A licensed swing bed facility shall contact the department for a new level of care review prior to swinging the bed back to nursing facility status if the bed swings to acute status for three (3) or more consecutive calendar days.

(b) An NF shall not count the day the bed will swing back to nursing facility status in the three (3) consecutive days specified in paragraph (a) of this subsection.

Section 3. Payment Provisions. (1) Payment for high-intensity nursing care, low-intensity nursing care, or ICF-IID services shall be limited to those services meeting the care definitions established in Section 1 of this administrative regulation.

(2) An NF or NF-W shall receive payment for high-intensity nursing care services provided to a Medicaid-eligible individual meeting high-intensity nursing care patient status criteria if the services are provided in a Medicaid participating bed that is also participating in the Medicare Program.

(3) An NF or NF-W shall receive payment for low-intensity nursing care services provided to a Medicaid-eligible individual meeting low-intensity nursing care patient status criteria if the services are provided in a Medicaid participating bed.

(4) An ICF-IID shall receive payments for ICF-IID services only.

Section 4.[~~Determining~~] Patient Status Criteria. A patient status decision shall be based on medical diagnosis, care needs, services and health personnel required to meet these needs, and the feasibility of meeting the needs through alternative institutional or noninstitutional services. (1) For an admission and continued stay, an individual shall qualify under the preadmission screening and resident review criteria specified in 42 U.S.C. 1396r and 907 KAR 1:755.

(2) An individual shall be considered to meet the level of care criteria[~~qualify~~] for high-intensity nursing care if:

(a) On a daily basis:

1. The individual's needs mandate:

a. High-intensity nursing care services; or

b. High-intensity rehabilitation services; and

2. The care can only be provided on an inpatient basis;

(b) The inherent complexity of a service prescribed for an individual exists to the extent that it can be safely or effectively performed only by or under the supervision of technical or professional personnel; or

(c) The individual has an unstable medical condition manifesting a combination of at least two (2) or more care needs in the following areas:

1. Intravenous, intramuscular, or subcutaneous injections and hypodermoclysis or intravenous feeding;

2. Nasogastric or gastrostomy tube feedings;

3. Nasopharyngeal and tracheotomy aspiration;

4. Recent or complicated ostomy requiring extensive care and self-help training;

5. In-dwelling catheter for therapeutic management of a urinary tract condition;

6. Bladder irrigations in relation to previously indicated stipulation;

7. Special vital signs evaluation necessary in the management of related conditions;

8. Sterile dressings;

9. Changes in bed position to maintain proper body alignment;

10. Treatment of extensive decubitus ulcers or other widespread skin disorders;

11. Receiving medication recently initiated, which requires high-intensity observation to determine desired or adverse effects or frequent adjustment of dosage;

12. Initial phases of a regimen involving administration of medical gases; or

13. Receiving services that[~~which~~] would qualify as high-intensity rehabilitation services if provided by or under the supervision of a qualified therapist, for example:

a. Ongoing assessment of rehabilitation needs and potential;

b. Therapeutic exercises;

c. Gait evaluation and training performed by or under the supervision of a qualified physical therapist;

d. Range of motion exercises that[~~which~~] are part of the active treatment of a specific disease state that[~~which~~] has resulted in a loss of, or restriction of, mobility;

e. Maintenance therapy if the specialized knowledge and judgment of a qualified therapist is required to design and establish a maintenance program based on an initial evaluation and periodic reassessment of the patient's needs[~~,~~] and consistent with the patient's capacity and tolerance;

f. Ultrasound, short wave, and microwave therapy treatments;

g. Hot pack, hydrocollator infrared treatments, paraffin baths, and whirlpool (if the patient's condition is complicated by circulatory deficiency, areas of desensitization, open wounds, fractures, or other complications, and the skills, knowledge, and judgment of a qualified therapist are required); or

h. Services by or under the supervision of a speech-language pathologist or audiologist if necessary for the restoration of function in speech or hearing.

(3)(a) An individual shall be considered[determined] to meet the level of care criteria for low-intensity patient status if[the individual requires], unrelated to age appropriate dependencies with respect to a minor, the individual meets the requirements of this paragraph[intermittent high-intensity nursing care, continuous personal care or supervision in an institutional setting. In making the decision as to patient status, the following criteria shall be applicable]:

1.[(a)] An individual with a stable medical condition requiring intermittent high-intensity nursing care services not provided in a personal care home shall be considered to meet low-intensity patient status;

2.[(b)] An individual with a stable medical condition, who has a complicating problem that[which] prevents the individual from caring for himself or herself in an ordinary manner outside the institution, shall be considered to meet low-intensity patient status. For example, an ambulatory cardiac patient with hypertension may be reasonably stable on appropriate medication, but have intellectual deficiencies preventing safe use of self-medication, or other problems requiring frequent nursing appraisal, and thus be considered to meet low-intensity patient status; or

3.[(c)] An individual with a stable medical condition manifesting a significant combination of at least two (2) or more of the following care needs shall be determined to meet low-intensity patient status [if the professional staff determines that the combination of needs can be met satisfactorily only by provision of intermittent high-intensity nursing care, continuous personal care or supervision in an institutional setting]:

a. Assistance with personal care;

b. **Medication administration via a medication planner filled by a registered nurse or licensed practical nurse;**

c.[1.] Assistance with transferring to or propelling a wheelchair;

d.[c.][2.] Physical or environmental management for confusion and mild agitation;

e.[d.][3.] Must have assistance and be present during the entire meal time[be fed];

f.[e.] Physical[4.] assistance with going to the bathroom or using a bedpan for elimination;

g.[f.] Existing[5. Old] colostomy care;

h.[g.][6.] Indwelling catheter for dry care;

i.[h.][7.] Changes in bed position;

j.[i.][8.] Administration of stabilized dosages of medication;

k.[j.][9.] Restorative and supportive nursing care to maintain the individual and prevent deterioration of the individual's[his] condition;

l.[k.][10.] Administration of injections during time licensed personnel is available; or

m.[l.][11. Services that could ordinarily be provided or administered by the individual but due to physical or mental condition is not capable of self-care; or

12.] Routine administration of oxygen[medical gases] after a regimen of therapy has been established.

(b)[(d)] An individual shall not be considered to meet low-intensity patient status criteria if care needs are limited to the following:

1. Verbal or gestural[Minimal] assistance with activities of daily living;

2. Independent use of mechanical devices, for example, assistance in mobility by means of a wheelchair, walker, crutch, or cane;

3. A limited diet such as low salt, low residue, reducing or another minor restrictive diet; or

4. Medications that can be self-administered or the individual requires minimal assistance such as set up of medications or simple cuing[supervision].

(4) An individual who meets[with a mental illness, an intellectual disability, or a developmental disability meeting the health status and care needs specified in subsections (2) or (3) of this section shall:

(a) Be considered to meet] patient status criteria shall[; and

(b)] be specifically excluded from coverage[in the following situations:

1.] if the department determines that in the individual case the combination of care needs are beyond the capability of the facility and that placement in the facility is inappropriate due to potential danger to the health and welfare of the individual, other patients in the facility, or staff of the facility[; or

2. If the individual does not meet the preadmission screening and resident review criteria specified in 42 U.S.C. 1396r and 907 KAR 1:755 for entering or remaining in a facility].

(5) An individual shall be considered to meet the level of care criteria for ICF-IID [patient status] if the individual meets criteria for a diagnosis of an intellectual disability as defined by the current Diagnostic and Statistical Manual of Mental Diseases (DSM) with onset of condition prior to age eighteen (18) **or meets criteria for a person with a related condition as defined by 42 C.F.R. 435.1010 with onset of condition prior to age twenty-two (22)**[requires physical or environmental management or rehabilitation for a moderate to severe intellectual disability] and meets the following criteria:

(a) Requires physical or environmental management or habilitation;

(b)[The individual has significant developmental disabilities or significantly subaverage intellectual functioning and] Requires a planned program of active treatment[to attain or maintain the individual's optimal level of functioning, but does not necessarily require nursing facility or nursing facility with waiver services];

(c)[(b) The individual] Requires a protected environment; and

(d) Unrelated to age appropriate dependencies with respect to a minor, has substantial deficits in adaptive functioning that, without ongoing support, limit functioning in one (1) or more activities of daily life such as communication, social participation, and independent living across multiple environments, such as home, school, work, and community[while overcoming the effects of developmental disabilities and subaverage intellectual functioning while:

1. Learning fundamental living skills;

2. Learning to live happily and safely within his own limitations;

3. Obtaining educational experiences that will be useful in self-supporting activities; or

4. Increasing his awareness of his environment; or

(c) The individual has a psychiatric primary diagnosis or needs if:

1. The individual also has care needs as shown in paragraph (a) or (b) of this subsection;

2. The mental care needs are adequately handled in a supportive environment (i.e., the intermediate care facility for individuals with an intellectual disability); and

3. The individual does not require psychiatric inpatient treatment].

(6) An individual who does not require a planned program of active treatment to attain or maintain the individual's optimal level of functioning shall not meet ICF-IID patient status.

(7) An individual shall not be denied for ICF-IID services solely due to advanced age,[or] length of stay in an institution, or history of previous institutionalization, if the individual qualifies for ICF-IID services on the basis of all other factors.

(8)[Excluding an individual with an intellectual disability, for an individual with a developmental disability to qualify for ICF-IID services, the disability shall have manifested itself prior to the individual's 22nd birthday.

(9)] Transfer trauma criteria. A Medicaid recipient in an NF who does not meet the low-intensity or high-intensity nursing care patient status criteria established in this section shall not be discharged from an NF if:

(a) The recipient has resided in an NF for at least eighteen (18) consecutive months;

(b) The recipient's attending physician determines that the recipient would suffer transfer trauma in that the individual's[his or her] physical, emotional, or mental well-being would be compromised by a discharge action as a result of not meeting patient status criteria; and

(c) The department confirms the recipient's attending physician's assessment regarding the trauma caused by possible discharge from the NF.

(9)[(10)] A Medicaid recipient who meets transfer trauma criteria in accordance with subsection (8)[(9)] of this section shall:

(a)[Shall] Remain in an NF and continue to be covered by the department for provider reimbursement at least until the individual's[his or her] subsequent transfer trauma assessment; and

(b) Be reassessed for transfer trauma every 180 calendar days[six (6) months].

(10)[(11)] The recipient transfer trauma criteria established in subsection (8)[(9)] of this section shall not apply to an individual who resides in a facility that[which] experiences closure or a license or certificate revocation.

Section 5. Reevaluation of Need for Service. (1) Nursing facility, nursing facility with Medicaid waiver, or ICF-IID services shall continue to be provided to an individual if the individual's[his or her] health status and care needs are within the scope of program benefits as described in Sections 3 and 4 of this administrative regulation.

(2) An individual's patient status shall be reevaluated at least once every twelve (12) months[six (6) months].

(3) Except as provided in Section 4(8) and (9) of this administrative regulation, if a reevaluation of care needs reveals that an individual no longer requires high-intensity nursing care, low-intensity nursing care, or intermediate care for an individual with an intellectual or a developmental disability:

(a) Payment shall continue for ten (10) calendar days to permit orderly discharge or transfer to an appropriate level of care; and

(b) Ten (10) calendar days from the date the reevaluation is finalized, payment shall no longer be appropriate to[in] the facility.

Section 6. Requirements, Standards, and Preauthorization of Specialized Rehabilitation Services for Individuals with Brain Injuries. An individual who has a brain injury and meets the high-intensity nursing care patient status criteria established in Section 4 of this administrative regulation or is qualified under subsection (5) of this section shall be provided care in a certified unit providing specialized rehabilitation services for persons with brain injuries (i.e., brain injury unit) if the care is preauthorized by the department using criteria specified in this section. For coverage to occur, authorization of coverage shall be granted prior to admission of the individual with the brain injury into the certified brain injury unit, or if previously admitted to the unit with other third party coverage, authorization shall be granted prior to exhaustion of those benefits.

(1) Injuries within the scope of benefits shall be:

(a) Central nervous system injury from physical trauma;

(b) Central nervous system damage from anoxia or hypoxic episodes; or

(c) Central nervous system damage from an allergic condition, toxic substance, or another acute medical or clinical incident.

(2) The following items shall be indicators for admission and continued stay:

(a) The individual sustained a traumatic brain injury with structural, nondegenerative brain damage and is medically stable;

(b) The individual shall not be in a persistent vegetative state;

(c) The individual demonstrates physical, behavioral, and cognitive rehabilitation potential;

(d) The individual requires coma management; or

(e) The individual has sustained diffuse brain damage caused by anoxia, toxic poisoning, or encephalitis.

(3) The determination as to whether preauthorization is appropriate shall be made taking into consideration the following:

(a) The presenting problem;

(b) The goals and expected benefits of the admission;

(c) The initial estimated time frames for goal accomplishment; and

(d) The services needed.

(4) The following list of conditions shall not be considered brain injuries requiring specialized rehabilitation under this section:

(a) A stroke treatable in a nursing facility providing routine rehabilitation services;

(b) A spinal cord injury in which there is no known or obvious injury to the intercranial central nervous system;

(c) Progressive dementia or other mentally impairing condition;

(d) Depression or psychiatric disorder in which there is no known or obvious central nervous system damage;

(e) An intellectual disability or birth defect related disorder of long standing; or

(f) Neurological degenerative, metabolic or other medical condition of a chronic, degenerative nature.

(5) An individual may qualify for coverage under the brain injury program if:

(a) The individual[He or she] has a stable medical condition with complicating care needs that[which] prevent the individual from caring for himself[him] or herself in an ordinary manner outside an institution;

(b) The individual has sufficient neurobehavioral sequelae resulting from the brain injury that,[which] when taken in combination, require specialized rehabilitation services; and

(c) The following criteria are met:

1. The individual shall not have previously received specialized rehabilitation services (an individual discharged for the purpose of transfer to another brain injury facility shall not be considered to have "previously received specialized rehabilitation services") as established in this section;

2. The individual shall have the potential for rehabilitation;

3. The care shall be prior authorized on an individual basis by the department; and

4. No more than 180 calendar days shall be approved per authorization[The care shall be authorized for no more than six (6) months at any one (1) time].

Section 7. Requirements, Standards, and Preauthorization of Certified Distinct-part Nursing Facility Ventilator Services. An individual who is ventilator dependent and meets the high-intensity nursing care patient status criteria established in Section 4(2) of this administrative regulation shall be provided care in a certified distinct-part ventilator nursing facility unit providing specialized ventilator services if the care is preauthorized using criteria specified in this section[and the Medicaid Nursing Facility Services Manual]. (1) To participate in the Medicaid Program as a distinct-part nursing facility ventilator service provider:

(a) A nursing facility shall operate a program of ventilator care within a certified distinct-part nursing facility unit that[which] meets the needs of all ventilator patients admitted to the unit; and

(b) A certified distinct-part nursing facility unit shall:

1. Not have less than twenty (20) beds certified for the provision of ventilator care;

2. Have had[Be required to have] an average patient census of not less than fifteen (15) patients during the calendar quarter preceding the beginning of the facility's rate year or the quarter for which certification is being granted in order to qualify as a distinct-part ventilator nursing facility unit;

3. Have a ventilator machine owned by the facility for each certified bed with an additional backup ventilator machine required for every ten (10) beds; and

4. Have a[an appropriate] program for discharge planning and weaning from the ventilator.

(2) This subsection shall constitute[The following items shall be] the patient criteria and treatment characteristics for a distinct-part ventilator nursing facility.[:]

(a) An individual shall be considered ventilator[(or respiration stimulating mechanism)] dependent if the individual:

1. Requires:

a. This mechanical support for twelve (12) or more hours per day; and

b. Twenty-four (24) hours per day high-intensity[specialty] nursing care services; or

2. Is in an active weaning program ordered by and under the management of a physician and reviewed and approved by the department; and

a. The goal of the active weaning program is to attain the least mechanical support in the least invasive manner that is consistent with the maximal function of the individual and ultimately no mechanical respiratory support;

b. The individual demonstrates steady progress in decreasing the number of hours and dependence upon the ventilator[~~(or respiration stimulating mechanism)~~] as documented in the individual's physician and nursing progress notes; and

c. The individual requires twenty-four (24) hours per day high-intensity[~~specialty~~] nursing care services.

(b) An individual shall not be considered ventilator dependent due to being in an active weaning program if:

1. The individual is no longer demonstrating steady progress in decreasing the number of hours and dependence upon the ventilator[~~(or respiration stimulating mechanism)~~]; or

2. The individual has been off the ventilator[~~(or respiration stimulating mechanism)~~] for seventy-two (72) consecutive hours.

(c) An admission from hospitalization or other location shall demonstrate two (2) weeks clinical and physiologic stability including applicable weaning attempts prior to transfer from the hospital or other location.

(d) A physician's order shall specify that the services shall not be provided in an alternative setting due to the medical stability and safety needs of the individual.

(3) A patient status determination shall be made taking into consideration the following factors[~~and those defined in the Medicaid Nursing Facility Services Manual, Section IV-B, C and D~~]:

(a) Alternative care possibilities;

(b) Goals for patient care;

(c) Primary hypoventilation, restrictive lung, ventilatory muscular dysfunction, or obstructive airway disorders needs that[~~which~~] may necessitate mechanical ventilator and related care;

(d)[~~Nonhospital management factors and needs;~~

~~(e)~~] Patient treatment characteristics;

(e)[~~(f)~~] Home care potential;

(f)[~~(g)~~] Suitability of transfer to the ventilator care unit; and

(g)[~~(h)~~] Provision of an appropriate place of care[~~; and~~

~~(i) Other facility admission indicators as established in the Medicaid Nursing Facility Services Manual~~].

Section 8. Denial of Patient Status. If an individual does not meet Medicaid criteria for admission or continued stay in a nursing facility, nursing facility with Medicaid waiver, or ICF-IID, the individual may appeal the denial in accordance with 907 KAR 1:563.

Section 9. Reserved Bed Days. The department shall cover and reimburse for reserved bed days as established in this section.[~~follows:~~] (1) In accordance with subsection (3) of this section, reserved bed days, per resident, for an NF or an NF-W shall be:

(a) Covered for a maximum of fourteen (14) days per calendar year due to hospitalization. Accumulated bed reserve days shall follow a resident if the resident relocates to another facility within a calendar year rather than starting over at zero due to the relocation;

(b) Covered for a maximum of ten (10) days per calendar year for leaves of absence other than hospitalization. Accumulated bed reserve days shall follow a resident if the resident relocates to another facility within a calendar year rather than starting over at zero due to the relocation;

(c) Reimbursed at seventy-five (75) percent of a facility's rate if the facility's occupancy percentage[~~percent~~] is ninety-five (95) percent or greater; and

(d) Reimbursed at fifty (50) percent of a facility's rate if the facility's occupancy percentage[~~percent~~] is less than ninety-five (95) percent.

(2) In accordance with subsection (3) of this section, for an ICF-IID:

(a) Reserved bed days, per resident, for an ICF-IID shall:

1. Be covered for a maximum of forty-five (45) days within a calendar quarter; and

2. Not exceed fifteen (15) calendar days per stay due to hospitalization; and

(b) More than thirty (30) consecutive reserved bed days due to hospitalization plus leave of absence or due to leave of absence shall not be approved for coverage.

(3) Coverage during an individual's absence due to hospitalization or due to leave of absence shall be contingent upon the following conditions being met:

(a) The individual shall:

1. Be in Medicaid payment status in the level of care the individual[~~he or she~~] is authorized to receive; and

2. Have been a resident of the facility at least overnight;

(b) An individual for whom Medicaid is making Medicare coinsurance payments shall not be considered to be in Medicaid payment status for purposes of this policy;

(c) The individual shall be reasonably expected to return to the same level of care;

(d) Due to demand at the facility for beds at that level, there shall be a likelihood that the bed would be occupied by another patient were it not reserved;

(e) The hospitalization shall be for treatment of an acute condition, and not for testing, brace-fitting, or another noncovered service;

(f) For a leave of absence other than for hospitalization, the individual's plan of care shall include a physician's order providing for leave; and

(g) A leave of absence shall include a visit with a relative or friend, or a leave to participate in a state-approved therapeutic or rehabilitative program.

(4) Bed reservation days shall not be available for an individual admitted to a psychiatric hospital or ICF-IID.

(5) An NF shall advise a resident prior to the resident's departure from the facility if the NF chooses not to reserve a bed for the resident.

Section 10. Determination of Patient Care Status[~~Preadmission Screening and Resident Review~~]. (1) Prior to or on the date of admission of an individual, an NF shall complete a level of care application in a department approved system, which consists of a:

(a)[~~conduct a~~] Level I PASRR in accordance with 907 KAR 1:755, Section 4; and

(b) A level of care request for admission in a department approved system, except for an individual requesting institutionalized hospice.

(2) Compliance with 907 KAR 1:755 shall be required in order for an individual to be admitted to an NF.

(3)(a) The department shall:

1. Approve the level of care application;

2. Deny the level of care application; or

3. Request more information from the facility if all required information was not previously provided.

(b) Notification of denial shall be sent to the:

1. Patient or their responsible party; and

2. NF.

(c) If the admission is approved, the department shall:

1. Except as provided by paragraph (d) of this subsection, perform an onsite continuing stay review within thirty (30) calendar days of the admission to ensure the resident continues to meet the nursing facility level of care criteria in accordance with this administrative regulation; and

2. Re-certify the resident every 180 calendar days.

(d) There shall not be a review pursuant to paragraph (c)1. of this subsection for an individual who has a Level II PASRR.

(4) Prior to or on the date of admission of an individual to an ICF-IID, the facility shall complete a level of care request for admission in a department approved system[~~Section 11. Incorporation by Reference. (1) Medicaid Nursing Facility Services Manual", Department for Medicaid Services, April 2006 edition, is incorporated by reference.~~

~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Medicaid~~

~~Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m~~].

CAROL H. STECKEL, Commissioner
ADAM M. MEIER, Secretary
APPROVED BY AGENCY: May 8, 2019
FILED WITH LRC: May 14, 2019 at 4 p.m.
CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Persons: Jonathan Scott, (502) 564-4321, ext. 2015, jonathant.scott@ky.gov, and Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the provisions relating to nursing facility (NF) services and intermediate care facility for individuals with an intellectual disability (ICF-IID) services for which payment shall be made by the Medicaid Program on behalf of both the categorically needy and medically needy recipients.

(b) The necessity of this administrative regulation: This administrative regulation is necessary in order to establish the provisions relating to NF and ICF-IID services for which payment shall be made by the Medicaid Program on behalf of both the categorically needy and medically needy recipients.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with a requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing the provisions relating to NF and ICF-IID services for which payment shall be made by the Medicaid Program on behalf of both the categorically needy and medically needy recipients.

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

(a) How the amendment will change this existing administrative regulation: The amendment to 907 KAR 1:022 updates citations and makes other changes to comply with the drafting and formatting requirements of KRS Chapter 13A; establishes a definition for "department approved system"; requires a participating nursing facility, nursing facility with Medicaid waiver, or ICF-IID to enter a resident's discharge date into a department approved system; requires a licensed swing bed facility to contact the department for review prior to swinging the bed back to nursing facility status if the bed swings to acute status for three (3) or more calendar days; changes references from "six (6) months" to "180 calendar days"; removes the Medicaid Nursing Facility Services Manual; specifies that bed reservation days shall not be available for an individual admitted to a psychiatric hospital or ICF-IID; requires a nursing facility to advise a resident prior to the resident's departure from the facility if the facility chooses not to reserve a bed for the patient; and establishes the requirements governing determinations of patient care status. The Amended After Comments version of this administrative regulation expands the allowed accrediting bodies to match other Medicaid administrative regulations, and clarifies that a need for medication administration via a medication planner filled by a registered nurse or LPN is an acceptable care need for low intensity patient status.

(b) The necessity of the amendment to this administrative regulation: The amendments to this administrative regulation are necessary to update the level of care requirements for nursing facilities and intermediate care facilities for individuals with an intellectual disability, including changes necessary to transition paper level of care processes to a new electronic self-service portal.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with a requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by updating the level of care requirements for nursing facilities and intermediate care facilities for individuals with an intellectual disability, including changes necessary to transition paper level of care processes to a new electronic self-service portal.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 321 nursing facilities serving over 22,525 Medicaid recipients currently participate in the Medicaid nursing facility program and approximately 115 home and community based waiver providers serve over 15,000 individuals via the Medicaid home and community based waiver program.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The regulated entities will be transitioned from paper level of care processes to a new electronic self-service portal. Facilities will use the department approved system to submit and track level of care requests and to enter a resident's discharge date. A licensed swing bed facility is required to contact the department for a new level of care review prior to swinging the bed back to nursing facility status if the bed swings to acute status for three (3) or more consecutive calendar days. Facilities will need to follow the revised level of care criteria for resident admissions and recertifications.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There should not be any additional costs for complying with this administrative regulation, as it will save NFs and ICF-IIDs money by implementing an electronic self-service portal, rather than continuing the paper level of care processes; additionally, there will be reduced paperwork requirements, more accurate and efficient level of care determination requests, and a reduction in the possibility of data mismanagement or human error in the uploading of information.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The benefits of compliance include saving NFs and ICF-IIDs money by implementing an electronic self-service portal, rather than continuing the paper level of care processes; additionally, there will be reduced paperwork requirements, more accurate and efficient level of care determination requests, and a reduction in the possibility of data mismanagement or human error in the uploading of information.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no costs to implementing this administrative regulation either initially or on a continuing basis.

(b) On a continuing basis: There are no costs to implementing this administrative regulation either initially or on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Sources of funding to be used for the implementation and enforcement of this administrative regulation are federal funds authorized under Title XIX and Title XXI of the Social Security Act, and state matching funds of general and agency appropriations.

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

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

directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering is applied as different levels of care criteria are established based on the resident's care needs and the type of facility.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 42 C.F.R. 431.153, 431.154, 447.280, 482.58, 42 U.S.C. 1395tt, 1396l, 1396r

2. State compliance standards. KRS 194A.030(2), 194A.050(1), 205.520(3), 205.558

3. Minimum or uniform standards contained in the federal mandate. Pursuant to 42 U.S.C. 1396a et. seq., the Commonwealth of Kentucky has exercised the option to establish a Medicaid Program. Having elected to offer Medicaid coverage, the state must comply with federal requirements contained in 42 U.S.C. 1396 et. seq.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this administrative regulation does not impose stricter, additional, or different requirements or responsibilities than those required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose stricter, additional, or different requirements or responsibilities than those required by the federal mandate.

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? Cabinet for Health and Family Services, Department for Medicaid Services

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.030(2), 194A.050(1), 205.520(3), 205.558

(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? Nothing

(d) How much will it cost to administer this program for subsequent years? Nothing

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Office for Children with Special Health Care Needs
(Amended After Comments)

911 KAR 1:010. Application to[~~Office for Children with Special Health Care Needs~~] Clinical Programs.

RELATES TO: KRS 200.460, 200.470, 200.654(13), Chapters 311, 319, 334A, 42 U.S.C. 9902(2), 42 C.F.R. 435.603

STATUTORY AUTHORITY: KRS 194A.030(5)**[~~, 200.460(1), 200.470(2)~~]**

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.030(5) authorizes the Office for Children with Special Health Care Needs to promulgate administrative regulations to implement and administer its responsibilities.**[~~KRS 200.460 mandates the Office for Children with Special Health Care Needs to provide services to children with disabilities. KRS 200.470(2) mandates the Office for Children with Special Health Care Needs to determine the ability of a child's parent or guardian to pay for costs of treatment, and provides for families to pay for services commensurate with their ability.~~]** This administrative regulation establishes application forms used for clinical programs, procedures for application and reapplication, eligibility criteria, assignment of pay category, and processes used to determine initial and continuing eligibility for services, as well as a process for reconsideration of an adverse decision.

Section 1. Definitions. (1) "**Affordable Care Act" is defined by 42 U.S.C. 9902(2).**

(2) "Applicant" means **a** person in need of services offered by the Office for Children with Special Health Care Needs clinical program.

(3)[~~(2)~~] "Clinical program" means an established clinical service by which OCSHCN delivers care to treat conditions listed on the OCSHCN-10g, Medical Eligibility List for Clinical and Case Management Services, through a provider:

(a) Contracted in accordance with 911 KAR 1:060; or

(b) Employed by OCSHCN as an audiologist.

(4)[~~(3)~~] "**[~~Financial~~]**Eligibility Committee" means an OCSHCN committee that is charged with:

(a) Clarifying financial eligibility questions that arise during:

1. The application review process; and

2. Ongoing eligibility reviews;**[~~and~~]**

(b) Evaluating appeal requests for reconsideration pursuant to Section 13 of this administrative regulation**;**

(c) Clarifying medical eligibility questions that arise during the application review process; and

(d) Determining if a diagnosis qualifies for inclusion in the clinical program.

(5)[~~(4)~~] "Income" means money received from:

(a) Statutory benefits (for example, Social Security, Veterans Administration pension, black lung benefits, or railroad retirement benefits);

(b) Military housing;

(c) Clerical housing;

(d) Farm or business operations;

(e) Pensions;

(f) Wages for labor or services;

(g) Royalties;

(h) Alimony, maintenance, or child support;

(i) Miscellaneous income as defined by the Internal Revenue Service at www.irs.gov/form1099misc;

(j) Retirement Survivors Disability Insurance;

(k) Disability benefits;

(l) Unemployment benefits;

(m) Supplemental Security Income;

(n) Workers' compensation;

(o) Annuities; or

(p) Interest and dividends.**[~~(5) "Medical Eligibility Committee" means an OCSHCN committee that is charged with:~~**

~~(a) Clarifying medical eligibility questions that arise during the application review process; and~~

~~(b) Determining whether a diagnosis qualifies for inclusion in the clinical program.~~]

(6) "OCSHCN" means Office for Children with Special Health Care Needs.

(7) "Responsible adult" means a person who is:

(a) Responsible for making decisions about an OCSHCN clinical program applicant or recipient of services; or

(b) Required to provide financial support for an OCSHCN clinical program applicant or recipient of services.

Section 2. Criteria for Application to an OCSHCN Clinical Program. (1) In order to be eligible to apply to an OCSHCN clinical program, an applicant shall:

(a) Be under twenty-one (21) years of age;

(b) Live in**[a]** Kentucky**;**

(c) Provide a Kentucky physical mailing address at which the applicant receives mail; and

(d)[~~dwelling that has an established street mailing address; and~~

~~(c)~~] Declare Kentucky as permanent domicile and residency**.**

(2)[~~for the purposes of:~~

~~1. Paying state taxes;~~

~~2. Voter registration; or~~

~~3. Driver's license procurement.~~

~~(2) A minor's residence shall be considered that of the legal guardian.~~

~~(3)~~] An applicant to the OCSHCN Autism Spectrum Disorder Diagnostic Service shall be referred by**[a]**:

(a) **A** physician, licensed in accordance with KRS Chapter 311;

(b) **An advanced practice registered nurse, licensed in accordance with KRS Chapter 314;**

(c) A licensed behavioral analyst, licensed in accordance with KRS Chapter 319;

(d) A therapist, licensed in accordance with KRS Chapter 334A;

(e) A[~~(c)~~] qualified service provider with the Kentucky Early Intervention System, as defined by KRS 200.654(13); or

(f)[~~(d)~~] School personnel, based on testing results.

(3)[~~(4)~~] An applicant to the OCSHCN Autism Spectrum Disorder Medical Service shall be:

(a) Referred by a:

1. Physician, licensed in accordance with KRS Chapter 311;

2. Psychologist, licensed in accordance with KRS Chapter 319; or

3. Speech-language pathologist, licensed in accordance with KRS Chapter 334A, if an Autism Diagnostic Observation Schedule assessment tool was used; and

(b) Diagnosed with **an autism spectrum disorder[~~:~~**

~~1. Autistic disorder;~~

~~2. Other childhood disintegrative disorder;~~

~~3. Asperger's syndrome; or~~

~~4. Other pervasive developmental disorder~~].

(4)[~~(5)~~] An applicant to the OCSHCN Hearing Aid Only Service shall be:

(a) Diagnosed to have a permanent childhood hearing loss; and

(b) Under the care of a licensed otorhinolaryngologist.

(5)[~~(6)~~] An applicant to clinical services not **established[~~described~~]** in subsections **(2), (3), or (4)[~~(3), (4), or (5)~~]** of this section may be referred by any person or provider.

(6)[~~(7)~~] An individual shall be ineligible for application to clinical programs if a write-off balance for services is owed to OCSHCN for clinical services delivered to **the individual[~~:~~**

~~(a) The individual; or~~

~~(b) A member of the individual's household~~].

(7)[~~(8)~~] Any balances owed pursuant to subsection **(6)[~~(7)~~]** of this section shall be paid in accordance with the:

(a) Individual's pay category status; and

(b) Provisions of 911 KAR 1:020.

(8)[~~(9)~~] OCSHCN shall allow up to three (3) reapplications for an applicant if the applicant has been discharged for**[~~:~~**

~~(a)~~] failure to:

(a)[~~1.~~] Complete financial update in accordance with Section 12 of this administrative regulation;

(b)[~~2.~~] Cooperate with medical care;

(c)[~~3.~~] Make payments on a past due account balance;

(d)[~~4.~~] Pay OCSHCN for services received; or

(e)[~~5.~~] Reimburse OCSHCN if an insurance payment has been received by the applicant**[~~; or~~**

~~(b) Declining treatment or care~~].

(9)[~~(10)~~] Exceptions to subsections **(7)[~~(8)~~]** and **(8)[~~(9)~~]** this section shall be determined by the OCSHCN request for reconsideration process in accordance with Section 13 of this administrative regulation.

Section 3. Initial Application. (1) If an individual who meets the criteria **established[~~specified~~]** in Section 2 of this administrative regulation expresses interest in submitting an application to OCSHCN's clinical program, designated staff shall provide the application packet indicated for the individual's situation, in accordance with Section 4 of this administrative regulation:

(a) At a scheduled intake appointment with the individual;

(b) By postal mail; or

(c) Electronically.

(2) An application shall be made by:

(a) The parent or other legally appointed guardian, if the individual is:

1. A minor who is not legally emancipated; or

2. An adult who is in custodial care; or

(b) The individual, if the individual is:

1. An adult; and

2. Not in the custodial care of another person or entity.

(3) OCSHCN may require the signature of both the applicant and responsible adult if:

(a) The applicant is over the age of eighteen (18); and

(b) There is a question of the applicant's competence to make decisions regarding self-care.

Section 4. Application Forms. (1) An applicant to an OCSHCN clinical program shall provide to the agency **within thirty (30) days**:

(a) A copy of the applicant's insurance card, or documentation thereof, if the applicant is not receiving Medicaid or K-CHIP;

(b) OCSHCN-10b, Consent for Care Agreement;

(c) OCSHCN-10c, Guaranty of Payment Agreement;

(d) OCSHCN-10d, Coordination of Benefits Agreement;

(e) OCSHCN-10a, Application for Service Legal Guardian, if the application is made by a legal guardian on behalf of a child or adult who is:

1. Under the age of twenty-one (21); and

2. Not legally emancipated;

(f) OCSHCN-10e, Application for Service Young Adult, if the application is made by an individual who is:

1. Not legally emancipated; or

2.a. Between **the ages of eighteen (18) and twenty-one (21)[~~18 and 21~~]**; and

b. A full-time student; and

(g) OCSHCN-10f, Application for Service Head of Household, if the application is made by an individual who is:

1. Under the age of eighteen (18) and legally emancipated; or

2. Between the **ages[~~age~~]** of eighteen (18) and twenty-one (21) and financially emancipated.

(2) OCSHCN may request that the applicant submit additional information or documentation concerning medical history **within thirty (30) days**, based on:

(a) Medical staff request; and

(b) Specific medical need.

Section 5. Limited English Proficiency. (1) OCSHCN shall ensure the availability of foreign language interpretation services in order to assure that families, staff, and providers have an opportunity to communicate effectively.

(2) OCSHCN shall arrange sign language interpreter services for persons who are deaf or hard of hearing, pursuant to 920 KAR 1:070.

Section 6. Proof of Custody for Applicants. (1) OCSHCN shall require a signed and dated legal court filing establishing custody rights of a minor if:

(a) The parents of a minor are divorced;

(b) The minor is adopted or in the legal custody of the commonwealth; or

(c) The legal guardianship of the minor is in question.

(2) OCSHCN shall require a signed and dated legal court filing establishing custody rights of an adult if the adult is said to be in custodial care of another individual.

(3) OCSHCN may require that the application be signed by the responsible adult if:

(a) The applicant is his or her own legal guardian; and

(b) There is a legitimate concern as to the applicant's ability to make decisions regarding self-care.

Section 7. Application Review Process. (1) Upon receipt of an application for the OCSHCN clinical program, designated staff shall review the packet to ensure all materials have been completed in accordance with Sections 3 and 4 of this administrative regulation.

(2) Designated staff shall notify the applicant of:

(a) Missing information or clarification needed; and

(b) The timeframe for submitting requested information.

(3) Complete applications shall be processed in accordance with Sections 8, 9, and 10 of this administrative regulation.

(4) Failure to submit requested information to OCSHCN within the specified timeframe shall result in the application process being closed.

Section 8. Medical Eligibility Determination. (1) In order to be eligible for an OCSHCN clinical program, the applicant shall have a documented condition that is **treated by OCSHCN[**~~:~~

~~**(a) Treated by OCSHCN; and**~~

~~**(b) Listed on the OCSHCN-10g, Medical Eligibility List for Clinical and Case Management Services**~~**]**.

(2) An application shall be eligible for expedited review if designated OCSHCN staff determine that recent medical records exist documenting that a contracted provider staffing an OCSHCN clinical program has:

(a) Diagnosed the applicant with a condition on the OCSHCN-10g, Medical Eligibility List for Clinical and Case Management Services; and

(b) Agreed to a treatment plan for the child's condition that is supported by the OCSHCN services offered.

(3) If records **established[**~~**specified**~~**]** in subsection (2) of this section are not available for OCSHCN review, designated OCSHCN staff shall schedule an onsite clinical evaluation:

(a) By:

1. A contracted provider staffing an OCSHCN clinical program; or

2. An OCSHCN clinic employee; and

(b) To obtain documentation needed to confirm medical eligibility.

(4) Upon receipt of documentation pursuant to this section, designated staff shall determine **an applicant's** medical eligibility for the OCSHCN clinical program.

Section 9. Financial Eligibility Determination and Pay Category Assignment. (1) Each applicant shall undergo a financial review process upon:

(a) Application;

(b) Confirmation of medical eligibility;

(c) Change in income or household size prior to annual financial review; and

(d) Annual financial review.

(2) The OCSHCN process to determine pay category assignment shall:

(a) Be based on the household income of the responsible adult requesting services; and

(b) Include income of:

1. The applicant, if the applicant is:

a. An adult; or

b. Not in the custodial care of another person or entity;

2. Parents, step-parents, or legal guardians, if the applicant is:

a. A minor who is not legally emancipated; or

b. An adult who is in custodial care; and

3. Spouse of the applicant, if the applicant is married.

(3) Designated OCSHCN staff shall establish a household size based on family composition, including:

(a) The applicant;

(b) If the applicant is a minor:

1. Parents;

2. Step-parents;

3. Siblings, including:

a. Half siblings; and

b. Step-siblings; and

4. Any other dependent child claimed by the **applicant[**~~**parent or step-parent**~~**]** on a federal tax return; and

(c) If the applicant is an emancipated minor or adult:

1. Spouse;

2. Children, including:

a. Half children; and

b. Step-children; and

3. Any other dependent child claimed by the **applicant[**~~**parent or step-parent**~~**]** on a federal tax return.

(4) The **documents[**~~**document**~~**]** required for income verification shall be **the most recent**:

(a)**[**~~**The most recent**~~**]** Federal tax return of the applicant or the responsible adult; and

(b)**[**~~**The most recent**~~**]** Paycheck statement with year-to-date gross earnings for each currently held job.

(5) An applicant or responsible adult without a paycheck containing the criteria **established[**~~**specified**~~**]** in subsection (4)(b) of this section shall provide two (2) consecutive and **the most recent[**~~**current**~~**]** pay stubs or a written statement from the employer that shows:

(a) Gross amount earned; and

(b) Frequency of pay.

(6) An applicant who is covered by Kentucky Medicaid shall be:

(a) Exempt from income verification;

(b) Considered financially eligible; and

(c) Placed in the zero percent pay category.

(7) If household income suggests that an applicant is possibly Medicaid- eligible, a Medicaid application shall be completed within **thirty (30) days[**~~**the specified timeframe requested by designated OCSHCN staff**~~**]**.

(8) If a Medicaid application completed pursuant to subsection (7) of this section is denied for a reason other than being over income, the applicant shall:

(a) Be considered financially eligible;

(b) Meet medical eligibility criteria pursuant to Section 8 of this administrative regulation; and

(c) Be assigned a pay category in accordance with Section 10 of this administrative regulation.

(9) If a Medicaid application completed pursuant to subsection (7) of this section is denied for being over income, the applicant shall be:

(a) Considered financially eligible; and

(b) Assigned a pay category in accordance with Section 10 of this administrative regulation.

(10) If an application for Medicaid is not completed as requested within the specified timeframe, the application process shall be closed.

Section 10. Family Participation Scale. (1) An eligible applicant shall be assigned a pay category, which is determined based on:

(a) Annual gross income; and

(b) Household size.

(2) OCSHCN shall:

(a) Calculate minimum and maximum annual gross income limits annually, utilizing:

1. The federal poverty level established annually by the United States Department of Health and Human Services pursuant to 42 U.S.C. 9902(2); and

2. Modified adjusted gross income-based methods established in 42 C.F.R. 435.603; and

(b) Post the current Family Participation Scale at https://chfs.ky.gov/agencies/ccshcn.

(3) **Except as established in subsection (5) of this section,** pay categories shall:

(a) Represent eligibility requirements at income levels for the Kentucky Children's Health Insurance Program established in 907 KAR 4:030; and

(b) Be established at**[**~~**the following levels**~~**]**:

1. Zero percent;

2. Twenty (20) percent;

3. Forty (40) percent;
4. Sixty (60) percent;
5. Eighty (80) percent; and
6. 100 percent.

(4) In accordance with KRS 200.470(1), an applicant who is placed in the 100 percent pay category shall be eligible for acceptance only if access to adequate care and treatment is limited as evidenced by:

(a) Service needed is not otherwise available within a fifty (50) mile radius of where the patient resides;

(b) Treatment requires a multi-disciplinary team, which may include a physician, RN care coordinator, social worker, nutritionist, and therapist;

(c) Service is needed for the purchase of hearing aids;

(d) The patient is:

1. Uninsured; and

2. A member of a religious sect that is exempt from the requirement to maintain minimum essential coverage as required by the Affordable Care Act;

(e) The patient is:

1. Uninsured;

2. Not eligible for Medicaid or the Kentucky Children's Health Insurance Program (KCHIP); and

3. Is exempt from the requirement to maintain minimum essential coverage as required by the Affordable Care Act; or

(f) The medical care or service ordered by an OCSHCN-contracted specialist as treatment for a qualifying condition:

1. Is a non-covered benefit or excluded under the patient's insurance policy; and

2. The patient would benefit from the OCSHCN negotiated rate.

(5) An exception to subsection (3) of this section shall be determined by the OCSHCN request for reconsideration process in accordance with Section 13 of this administrative regulation.

Section 11. Notice of Eligibility Determination. (1) If an applicant is determined to be eligible in accordance with Sections 8 and 9 of this administrative regulation, designated staff shall notify the applicant in writing of the:

(a) Acceptance into the OCSHCN clinical program;

(b) Effective date of eligibility;

(c) Pay category assigned and a description of family participation fees and responsibilities;

(d) Annual review date;

(e) Name of the OCSHCN contact person assigned to:

1. Manage medical care;

2. Schedule appointments; and

3. Discuss services available; and

(f) Right to request reconsideration of pay category assignment, in accordance with Section 13 of this administrative regulation.

(2) If an applicant is determined to be ineligible for acceptance into the OCSHCN clinical program, designated staff shall notify the following individuals, in writing, of the reason for denial:

(a) The applicant, enumerating a right to request reconsideration of the adverse decision; and

(b) The applicant's primary care or referring physician, if applicable.

Section 12. Continuing Eligibility and Reapplication. (1) A responsible adult shall advise OCSHCN if there is a change in:

(a) Employment;

(b) Contact information;

(c) Insurance coverage; or

(d) Family composition.

(2) **A**[~~An annual~~] financial recertification shall be completed **annually**[~~by the last day of the month in which the application was approved~~].

(3) During the financial recertification, designated OCSHCN staff shall:

(a) Verify continued Medicaid enrollment; or

(b) If the recipient of services is not enrolled in Kentucky Medicaid, send the responsible adult written notice **pursuant to Section 4 of this administrative regulation,**[~~:~~

~~1.~~] requesting completion of:

1.[~~a.~~] The financial portion of the application form[~~to be completed pursuant to Section 4 of this administrative regulation~~]; and

2.[~~b.~~] The OCSHCN-10c, Guaranty of Payment Agreement form[~~; and~~

~~2. Providing a timeframe for submission of requested forms~~].

(4) If the forms requested pursuant to subsection (3)(b) of this section are not returned in accordance with the requested timeframe, designated staff shall follow up in writing.

(5) If the requested forms are not returned subsequent to a written follow up pursuant to subsection (4) of this section, designated staff shall:

(a) Initiate discharge of the recipient from the OCSHCN clinical program; and

(b) Notify the responsible adult or person receiving services, providing the:

1. Date of discharge;

2. Referral to primary care physician;

3. Option to reapply for OCSHCN services, and contact phone number; and

4.[~~5.~~]Courtesy copies of notifications of discharge sent to:

a. Primary care physician;

b. Dental provider, if applicable; and

c. Pharmacy provider, if applicable.

(6) Financial recertification shall occur if there is:

(a) A loss of Medicaid;

(b) Change in circumstances, such as income or household size; or

(c) Change in guardianship.

(7) Upon receipt of documentation related to this section's continuing eligibility and reapplication, designated staff shall notify the responsible adult in writing of the:

(a) Acceptance into the OCSHCN clinical program**;**

(b) Effective date of eligibility;

(c) Pay category assigned and a description of family participation fees and responsibilities;

(d) Annual review date;

(e) Name of OCSHCN contact person assigned to:

1. Manage medical care;

2. Schedule appointments; and

3. Discuss services available; and

(f) Right to request reconsideration of pay category assignment, pursuant to Section 13 of this administrative regulation.

Section 13. Request for Reconsideration. (1) An individual who is aggrieved by an adverse decision regarding initial eligibility, termination of services, **or**[~~and~~] pay category assignment in accordance with the procedures **established**[~~contained~~] in Section 10 of this administrative regulation may request a reconsideration. A request for reconsideration shall be filed within thirty (30) days of receipt of the adverse decision.

(2) A request for reconsideration of pay category assignment shall be directed to the[~~Financial~~] Eligibility Committee for resolution.

(3) **Once**[~~When~~] a request for reconsideration of the pay category assigned is received, the applicant shall be provided with an OCSHCN-10h, Medical Expense Worksheet, which shall be completed and returned to OCSHCN within **thirty (30)**[~~ten (10) working~~] days.

(4) An applicant shall submit with the OCSHCN-10h, Medical Expense Worksheet, and written proof of out of pocket payment for allowable medical expenses as established in subsection (5) of this section and paid for:

(a) By the applicant or a member of the applicant's household; and

(b) Within the last twelve (12) months from the date of the letter of pay category assignment.

(5) Allowable medical expenses shall include:

(a) Insurance premiums;

(b) Medical office or clinic visits;
(c) Medical supplies;
(d) Nutritional supplies;
(e) Prescription medications;
(f) Over the counter medications;
(g) Durable medical equipment;
(h) Hearing aids;
(i) Dental or orthodontia;
(j) Vision or Eye;
(k) Hospitalizations;
(l) Additional expenses for consideration; and
(m) OCSHCN payments in accordance with 911 KAR 1:020.

(6) Upon receipt of the OCSHCN-10h, Medical Expense Worksheet, and documentation **established**[~~specified~~] in subsection (4) of this section, OCSHCN staff shall:
(a) Verify expenses;
(b) Present to the OCSHCN[~~Financial~~] Eligibility Committee for review; and
(c) Notify the applicant in writing of the determination.

Section 14. Request for Hearing. An individual who has received a notice of adverse action following a reconsideration may request an administrative hearing**. A request for an administrative hearing shall be:**
(1) In accordance with KRS Chapter 13B**; and**
(2)[~~. The request for an administrative hearing shall be~~] Received by OCSHCN within thirty (30) days of the notice of adverse action.

Section 15. Incorporation by Reference. (1) The following material is incorporated by reference:
(a) ["]OCSHCN-10a, "Application for Service Legal Guardian," 01/2019;
(b) ["]OCSHCN-10b, "Consent for Care Agreement," 01/2019;
(c) ["]OCSHCN-10c, "Guaranty of Payment Agreement," 01/2019;
(d) ["]OCSHCN-10d, "Coordination of Benefits Agreement," 01/2019;
(e) ["]OCSHCN-10e, "Application for Service Young Adult," 01/2019;
(f) ["]OCSHCN-10f, "Application for Service Head of Household," 01/2019;
(g) ["]OCSHCN-10g, "Medical Eligibility List for Clinical and Case Management Services," 01/2019;
(h) ["]OCSHCN-10h, "Medical Expense Worksheet," 01/2019; and
(i) "Family Participation Scale," 04/01/2019.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office for Children with Special Health Care Needs, 310 Whittington Parkway, Suite 200, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. or online at the agency's Web site at https://chfs.ky.gov/agencies/ccshcn.

SHELLIE A. MAY, BSN, Executive Director
ADAM M. MEIER, Secretary
APPROVED BY AGENCY: May 7, 2019
FILED WITH LRC: May 14, 2019 at 4 p.m.
CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Persons: Jonathan Borden, 502-429-4430, Jonathan.Borden@ky.gov; and Chase Coffey
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes application forms used for clinical programs, procedures for application and reapplication, eligibility criteria, assignment of pay category, and processes used to determine initial and continuing eligibility for services, as well as a process for reconsideration of an adverse decision. Forms required are incorporated by reference.
(b) The necessity of this administrative regulation: This administrative regulation is needed to formally establish the agency's application and intake policies in administrative regulation.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes processes for application to the clinical programs offered by OCSHCN as mandated by KRS 200.460, and describes the process by which OCSHCN determines ability to pay for services as set forth in KRS 200.470(2).
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation facilitates the Cabinet's compliance with KRS 200.460 and 200.470. This administrative regulation assists in the provision intake and eligibility determination for necessary treatment by the OCSHCN clinical programs.
(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 is an amended version of a new administrative regulation and the amendments are due to feedback received via written comments. The comments that led to changes related to accounting for the homeless population, additions to the type of providers that may refer to OCSHCN's Autism Spectrum Disorder service, the timeframe for which applicants and OCSHCN staff have to respond to need material, and using the term applicant in place of parent.
(b) The necessity of the amendment to this administrative regulation: The changes made with this amendment allow for more clarity and eliminate language that could have been interpreted as more restrictive than OCSHCN intended.
(c) How the amendment conforms to the content of the authorizing statutes: These amendments conform to the content of the authorizing statues by ensuring they are appropriate, pursuant to Title V of the Social Security Act.
(d) How the amendment will assist in the effective administration of the statutes: These amendments will assist in the effective administration of the statutes by enhancing the clarity and consistency of language used in the regulation.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation. Individuals seeking enrollment in the OCSHCN clinical program will be affected by this administration regulation. OCSHCN received approximately 2,000 applications in fiscal year 2018 for the various onsite clinical programs and services offered by OCSHCN. Specialty medical services are offered by contracted medical staff and state employees in eleven (11) regional offices and six (6) satellite locations across the state. In fiscal year 2018, there were 5,057 individuals statewide, which were actively enrolled in an OCSHCN clinical program.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: If they choose, individuals under twenty-one (21) or families submitting applications for participation in OCSHCN clinical programs on behalf of children shall pursue the application process described, including the individual forwarding, to the Office for Children with Special Health Care Needs, a packet with required forms and supporting documentation. Impact will be minimal, as individuals have already been following these steps pursuant to OCSHCN intake procedures that predate the promulgation of 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 Office for Children with Special Health Care Needs does not anticipate any additional costs to the entities as a result of this administrative regulation. There is no cost associated with applying for participation in the OCSHCN clinical programs. However, as part of the eligibility determination, families undergo a

financial determination process including income verification, and each applicant is assigned a pay category based on annual gross income and family size. These pay categories represent sliding fee scales to be applied to services received in accordance with 911 KAR 1:020.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Individuals applying to OCSHCN clinical programs will be eligible to receive specialty care in OCSHCN clinics, which offer a family-centered, team approach to medical care from pediatric specialists, and care coordination by registered nurses. During each visit, children and families may also receive one (1) or more of the following: nutritional services, social service, and occupational, physical, or speech therapy. Current clinical programs include programs that address conditions on the OCSHCN-10g Medical Eligibility List for Clinical and Case Management Services, such as Autism Spectrum Disorders, Cardiology, Cerebral Palsy, Cleft Lip and Palate and Craniofacial Anomalies, Neurology, Ophthalmology, Orthopedics, Otology, and Scoliosis. Not all clinics are available in all regions of the state.

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

(a) Initially: There are no additional costs necessary to implement this administrative regulation.

(b) On a continuing basis: There are no additional costs necessary to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? Costs of implementation and enforcement will be minimal and absorbed into the existing Office for Children with Special Health Care Needs agency budget. The application procedures in this administrative regulation have been instituted previously through OCSHCN policy, so there are not any additional costs to implementing and enforcing this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or additional funding will be necessary to implement this administrative regulation.

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

(9) TIERING: Is tiering applied? Yes. Every individual who applies for the OCSHCN clinical program is assigned a pay category. Pay category placement is determined by applying the individual's household income and family size to a sliding scale that is based on federal poverty levels. The pay categories used by OCSHCN are zero percent, twenty (20) percent, forty (40) percent, sixty (60) percent, eighty (80) percent, and 100 percent.

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 Office for Children with Special Health Care Needs, a state government agency within the Cabinet for Health and Family Services, will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.030(5), KRS 194A.050(1), KRS 200.460

(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? This new administrative regulation will have no administrative costs in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This new administrative regulation will have no administrative costs in subsequent years.

(c) How much will it cost to administer this program for the first year? This new administrative regulation will have no administrative costs in the first year.

(d) How much will it cost to administer this program for subsequent years? This new administrative regulation will have no administrative costs in subsequent years.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Office for Children with Special Health Care Needs
(Amended After Comments)

911 KAR 1:020. Billing and fees.

RELATES TO: KRS 194A.030(5), 200.470(2)

STATUTORY AUTHORITY: KRS 194A.030(5)**[~~, 200.470(2)~~]**

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.030(5) authorizes the Office for Children with Special Health Care Needs to promulgate administrative regulations to implement and administer its responsibilities.**[~~KRS 200.470(2) mandates the collection of full or partial reimbursement by the Office for Children with Special Health Care Needs for the cost of treatment and care from parents or guardians commensurate with their ability to pay.~~]** This administrative regulation establishes minimum monthly payments **for cost of treatment and care, commensurate with ability to pay**, procedures for the preparation and transmittal of patient statement of accounts, receipt of payments, clinic participation fees, services provided by contracted providers, authorizations of payment, procedures for failure to provide payments, provisions for discharge, criteria for reapplication, as well as a process for reconsideration of an adverse decision.

Section 1. Definitions. (1) "**Eligibility Committee" or "committee" means an OCSHCN committee that is charged with:**

(a) Clarifying financial eligibility questions that arise during:

1. The application review process; and

2. Ongoing eligibility reviews;

(b) Evaluating appeal requests for reconsideration pursuant to Section 13 of this administrative regulation;

(c) Clarifying medical eligibility questions that arise during the application review process; and

(d) Determining if a diagnosis qualifies for inclusion in the clinical program.

(2) "OCSHCN" means the Office for Children with Special Health Care Needs.

(3)[~~(2)~~] "OCSHCN medical staff" means the staff who meets the requirements established in 911 KAR 1:060.

Section 2. Minimum Monthly Payment. (1) A patient's minimum monthly payment shall be computed as the lesser of:

(a) The amount assigned as the minimum amount due, for the patient's pay category, determined in accordance with 911 KAR 1:010, Section 10; or

(b) The total current balance of the patient's account, including all amounts paid or incurred during the past thirty (30) calendar days, as **established in the table in this paragraph.[~~follows:~~]**

Pay Category	Minimum Monthly Payment
0%	$20.00
20%	$40.00
40%	$80.00
60%	$120.00
80%	$160.00
100%	$200.00

(2) An individual shall also pay any unpaid portion of a previously billed amount.

Section 3. Patient Statement of Account. Designated staff shall prepare a statement of account, which shall:

(1) Be mailed to the family on or around the twentieth **[(~~20th~~)]** day of each calendar month; and

(2) Include the:

(a) Total account balance;

(b) Amount past due calculated in accordance with Section 2 of this administrative regulation;

(c) Required minimum monthly payment;

(d) Amounts paid or incurred during the past thirty (30) calendar days; and

(e) Contact information for any questions concerning billed amounts.

Section 4. Receipt of Payments. A family shall make payments to OCSHCN:

(1) Via mail;

(2) In person at any OCSHCN regional office; or

(3) By telephone using a credit card.

Section 5. OCSHCN Clinic Participation Fees. (1) A patient shall be charged a program participation fee when services are provided at an OCSHCN-managed clinic by:

(a) OCSHCN staff; or

(b) OCSHCN medical staff.

(2) The OCSHCN clinic participation fee shall be determined as **established in the table in this subsection.[~~follows:~~]**

Pay Category	Participation Fee
0%	$5.00
20%	$5.00
40%	$10.00
60%	$10.00
80%	$15.00
100%	$15.00

(3) The OCSHCN clinic participation fee shall not be charged if the patient is enrolled in Kentucky Medicaid **when[~~at the time~~]** service is provided.

(4) Only one (1) OCSHCN clinic participation fee shall be charged per day per person receiving services.

Section 6. OCSHCN Referral for Services Provided by Contracted Providers. (1) If services are provided to a patient by an OCSHCN-contracted provider outside of an OCSHCN-managed clinic, the patient shall be responsible for payment for services, in accordance with the terms and conditions contained in the contractual agreement entered into by OCSHCN and the contracted provider.

(2) Prior to the delivery of services, designated staff shall:

(a) Ensure that the contracted provider is a participant under the patient's insurance plan;

(b) Issue a written referral for services to the contracted provider to identify that the patient is enrolled in an OCSHCN clinical program; and

(c) Provide demographic and insurance information to the contracted provider.

(3) A patient shall contact the contracted provider prior to the delivery of services in order to:

(a) Identify that the patient is enrolled in the OCSHCN clinical program; and

(b) Discuss payment expectations.

(4) A patient may contact the OCSHCN Payments and Provider Relations branch to confirm that the contracted provider is billing the contracted rate after any insurance payments are applied.

Section 7. Authorization of Payment for External Services. (1) OCSHCN shall issue an authorization of payment for outpatient services to an OCSHCN-contracted provider for a patient who:

(a) Has no insurance coverage;

(b)1. Has private insurance; and

2. Is in the zero percentage pay category; or

(c)1. Has private insurance;

2. Is in the twenty (20) percent through 100 percent pay category; and

3. Needs services or benefits that are not covered (excluding co-pays).

(2) Prior to submitting a bill to OCSHCN, the OCSHCN-contracted provider shall bill any third-party insurance payors.

(3) After OCSHCN has paid the contracted provider, OCSHCN shall bill the patient for the portion of the cost as **established in the table in this subsection.[~~follows:~~]**

Pay Category	Amount Owed
0%	$0.00
20%	20% of amount paid by OCSHCN
40%	40% of amount paid by OCSHCN
60%	60% of amount paid by OCSHCN
80%	80% of amount paid by OCSHCN
100%	100% of amount paid by OCSHCN

(4) A patient with insurance coverage in twenty (20) percent through 100 percent pay category status shall be responsible for the payment of any copays or co-insurance for outpatient or inpatient services with an OCSHCN contracted provider.

(5) OCSHCN shall authorize payments for recommended or prescribed durable medical equipment and shall bill the patient for the portion of the cost as **established in the table in this subsection.[~~follows:~~]**

Pay Category	Amount Owed
0%	$0.00
20%	20% of amount paid by OCSHCN
40%	40% of amount paid by OCSHCN
60%	60% of amount paid by OCSHCN
80%	80% of amount paid by OCSHCN
100%	100% of amount paid by OCSHCN

(6) OCSHCN shall authorize payment for recommended or prescribed hearing aids, earmolds, or dispensing and fitting fees, and shall bill the patient for the portion of the cost as **established in the table in this subsection.[~~follows:~~]**

Pay Category	Amount Owed
0%	$0.00, unless patient is covered by Medicaid and hearing instruments have been provided within the past thirty-six (36) months, in which case the Medicaid contract rate shall apply
20%	20% of amount paid by OCSHCN
40%	40% of amount paid by OCSHCN
60%	60% of amount paid by OCSHCN
80%	80% of amount paid by OCSHCN
100%	100% of amount paid by OCSHCN

(7) OCSHCN shall authorize payment for orthodontia or dental services provided by a Medicaid-contracted provider**[~~and~~]** or **an** in-network provider, and shall bill a patient for the portion of the cost as **established in the table in this subsection.[~~follows:~~]**

Pay Category	Amount Owed
0%	$0.00
20%	20% of amount paid by OCSHCN
40%	40% of amount paid by OCSHCN
60%	60% of amount paid by OCSHCN
80%	80% of amount paid by OCSHCN
100%	100% of amount paid by OCSHCN

(8) If OCSHCN authorizes payments for prescription drugs for a patient, the patient responsibility shall be:

(a) No charge for the family of a patient in the zero percent pay category;

(b) 100 percent of what OCSHCN pays the provider, for a patient in the twenty (20) percent to 100 percent pay category with private insurance under which the drug is a non-covered benefit;

(c) Payment to the provider for a patient in the twenty (20) percent to 100 percent pay category with private insurance under which the drug is a covered benefit; and

(d) As **established in the table in this paragraph[~~follows~~]** for

an uninsured patient in the twenty (20) percent to 100 percent pay category.**[:]**

Pay Category	Amount Owed
20%	100% of amount paid by OCSHCN, not to exceed $20.00 per month
40%	100% of amount paid by OCSHCN, not to exceed $40.00 per month
60%	100% of amount paid by OCSHCN, not to exceed $60.00 per month
80%	100% of amount paid by OCSHCN, not to exceed $80.00 per month
100%	100% of amount paid by OCSHCN, not to exceed $100.00 per month

(9) The schedule for making payment to OCSHCN on an account shall be **as established in the table in this subsection.[:]**

Pay Category	Payment Due on Balance Owed
0%	$20.00 per month, or account balance if balance is less than $20.00
20%	$40.00 per month, or account balance if balance is less than $40.00
40%	$80.00 per month, or account balance if balance is less than $80.00
60%	$120.00 per month, or account balance if balance is less than $120.00
80%	$160.00 per month, or account balance if balance is less than $160.00
100%	$200.00 per month, or account balance if balance is less than $200.00

Section 8. Failure to Provide Payments. (1) If the minimum required payment, calculated in accordance with Section 2 of this administrative regulation, is not received within thirty (30) days following the first billing to the family, OCSHCN shall:

(a) Mail a second statement of account, pursuant to Section 3 of this administrative regulation; and

(b) Request that the assigned OCSHCN care coordinator contact the family to follow up with the family.

(2) If the minimum required payment, calculated in accordance with Section 2 of this administrative regulation, is not received within sixty (60) days following the first billing to the family:

(a) The account shall not be considered in good standing; and

(b) OCSHCN shall:

1. Mail a third statement of account, pursuant to Section 3 of this administrative regulation, indicating that the patient is subject to discharge from the OCSHCN program if all required payments are not received within thirty (30) days from the date of the letter; and

2. Discontinue eligibility for:

a. Services that require an authorization of payment for external services, in accordance with Section **7[6]** of this administrative regulation;

b. Assistance with lodging;

c. Meal reimbursement; and

d. Assistance with transportation.

(3) If the minimum required payment calculated in accordance with Section 2 of this administrative regulation is not received within 120 days following the first billing to the family, OCSHCN shall:

(a) Discharge the patient from the OCSHCN program;

(b) Mail the **family[responsible party]** a letter, which states that:

1. The patient has been discharged for failure to make required payments; and

2. Reapplication may be made, but readmission to the program is contingent upon the payment of any write-off for bad debt balances for services previously delivered to the patient,**[and any member of the patient's household,]** based on the patient's pay category determined in accordance with 911 KAR 1:010, Section **10[11]**;

(c) Rescind any outstanding authorizations to the patient's:

1. Medical providers; and

2. Pharmacy providers; and

(d) Write off the balance of the account, adjusting the balance to reflect a zero dollar balance.

Section 9. Reapplication. OCSHCN shall allow no more than three (3) reapplications if the discharge reasons include failure to:

(1) Complete financial update pursuant to 911 KAR 1:010, Section 12;

(2) Cooperate with **medical care[treatment plan]**;

(3) Make payments based on the patient's pay category; **or**

(4) Reimburse OCSHCN when insurance payments are received**[; or**

(5) Accept treatment or care].

Section 10. Request for Reconsideration. (1) An individual who is aggrieved may request a reconsideration of:

(a) Discharge due to non-payment of an account balance pursuant to Section 8 of this administrative regulation; or

(b) Dismissal of a reapplication due to reaching the maximum number of reapplications pursuant to Section 9 of this administrative **regulation[regulations]**.

(2) An individual requesting reconsideration shall complete the OCSHCN-20a, Request for Reconsideration of Discharge. The request for reconsideration shall:

(a) Be received by OCSHCN within ten (10) business days of the date the individual received notification of discharge or dismissal in accordance with subsection (1) of this section; and

(b) Contain the**[following information]**:

1. Name of the individual or legal guardian;

2. Address;

3. Telephone;

4. E-mail address, if available;

5. Justification for reconsideration;

6.**[The]** Following supporting documentation, if available:

a. Bank statements;

b. Provider statements; or

c. Original receipts showing the amount paid; and

7. Dated signature of individual or legal guardian.

(3) OCSHCN review of the completed form and supporting documentation shall be completed:

(a) Within ten (10) business days; and

(b) By **the eligibility committee[a reconsideration committee consisting of the following individuals:**

1. Executive director;

2. Medical director;

3. Director of Administration and Financial Services; and

4. Director of Clinical and Augmentative Services].

(4) OCSHCN's review shall include consideration of:

(a) **If[Whether]** a change in circumstances exists, **including a change in[to include]**:

1. **The[A change in]** amount of earned income;

2. **[A change in]**Job status; or

3. Excessive out of pocket expenses made throughout the calendar year for medical expenses, including:

a. Co-payments;

b. Required deductions for insurance;

c. Fees;

d. Prescription costs; or

e. Any other direct costs to the individual or legal guardian for medical expenses; and

(b) The severity of the condition and the need to keep the patient enrolled for services due to:

1. Limitation in access to care; or

2. Costs related to medication needed to treat the patient.

(5) The **eligibility** committee shall vote to approve or deny the request for reconsideration.

(6)**[The executive director may supersede the final decision within ten (10) business days, unless additional information is requested.**

(7)] If additional information is requested:

(a) The committee shall request the information within five (5) business days of the review date;

(b) The individual or legal guardian shall return the information

to the **committee**[~~executive director~~] within **thirty (30)**[~~ten (10) business~~] days; and

(c) OCSHCN shall approve or deny the request for reconsideration within five (5) business days.

(7)[~~(8)~~] OCSHCN shall communicate to the individual or legal guardian:

(a) **If**[~~Whether~~] the reconsideration request was approved or denied; and

(b) A brief justification of the approval or denial.

(8)[~~(9)~~] An individual who has received a notice of adverse action following a reconsideration may request an administrative hearing in accordance with KRS Chapter 13B. The request for an administrative hearing shall be received by OCSHCN within thirty (30) days of the notice of adverse action.

Section 11. Incorporation by Reference. (1) **["]**OCSHCN-20a, **"**Request for Reconsideration of Discharge", 01/2019, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office for Children with Special Health Care Needs, 310 Whittington Parkway, Suite 200, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. or online at the agency's Web site at https://chfs.ky.gov/agencies/ccshcn.

SHELLIE A. MAY, BSN, Executive Director
ADAM M. MEIER, Secretary

APPROVED BY AGENCY: May 7, 2019

FILED WITH LRC: May 14, 2019 at 4 p.m.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Persons: Jonathan Borden, 502-429-4430, Jonathan.Borden@ky.gov; and Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes minimum monthly payments for families enrolled in Office for Children with Special Health Care Needs programs, procedures for the preparation and transmittal of the patient statement of accounts, receipt of payments, clinic participation fees, services provided by contracted providers, authorizations of payment, failure to provide payments, provisions for discharge, criteria for reapplication, and a process for reconsideration of an adverse decision.

(b) The necessity of this administrative regulation: This administrative regulation is necessary in order to describe policies related to the collection of full or partial reimbursement by the Office for Children with Special Health Care Needs for the cost of treatment and care from parents or guardians commensurate with their ability to pay.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 200.470 mandates the collection of full or partial reimbursement by the Office for Children with Special Health Care Needs for the cost of treatment and care from parents or guardians commensurate with their ability to pay.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation facilitates compliance with KRS 200.470 by describing a process for reimbursement to the Office for Children with Special Health Care Needs for the cost of treatment and care as mandated.

(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 is an amended version of a new administrative regulation and the amendments are due to feedback received via written comments. The comments that led to changes related to clarifying the identification of the eligibility committee, removing the executive director from the appeals process and making the eligibility committee the final authority, replacing the term "treatment plan" with "medical care," and removing the requirement that a patient must accept treatment or care to not be removed from the program.

(b) The necessity of the amendment to this administrative regulation: The changes made with this amendment removes the executive director from the appeals process and removes accepting treatment or care from the list of actions that can lead to the removal of a patient from OCSHCN programs. These changes were necessary to respond appropriately to the public comments.

(c) How the amendment conforms to the content of the authorizing statutes: These amendments conform to the content of the authorizing statutes by ensuring they are appropriate, pursuant to Title V of the Social Security Act.

(d) How the amendment will assist in the effective administration of the statutes: These amendments will assist in the effectiveness of the statutes by eliminating redundancy in the patient appeals process and reducing the list of actions that can lead to a patient being removed from an OCSHCN program.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Individuals enrolled in clinical programs operated by the Office for Children with Special Health Care Needs will be affected by this administrative regulation. In fiscal year 2018, there were 5,057 distinct individuals, ages 0-21, who were enrolled statewide in clinical programs operated by the Office for Children with Special Health Care Needs.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Individuals enrolled in clinical programs operated by the Office for Children with Special Health Care Needs shall be required to continue to pay fees and monthly payments representing portions of a cost of treatment, as has been the case for many years. Procedures that have been in place outside of administrative regulation are now being enumerated to bring the agency into compliance with the provisions of KRS Chapter 13A. No fees have changed because of 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): Depending on the calculated pay category for the individual family, fees and monthly payments will vary based on the resources available to the family. This is already occurring and therefore not a new process.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Individuals enrolled in clinical programs operated by the Office for Children with Special Health Care Needs shall be eligible to receive direct medical care services as well as enabling services such as care coordination, which may assist the family in navigating the system of care and support in the community where the family resides. Financial benefits shall include reduced rates of care with OCSHCN-contracted providers.

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

(a) Initially: There are no additional costs necessary to implement this administrative regulation.

(b) On a continuing basis: There are no additional costs necessary to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? Cost will be covered by existing OCSHCN receipts, federal funds, and general funds. Procedures that have been in place outside of administrative regulation are now being enumerated to bring the agency into compliance with the provisions of KRS Chapter 13A. Additional funding is not needed because of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: There is no anticipated funding impact. Fees are consistent with current

practice.

(8) State whether this administrative regulation established any fees or directly or indirectly increased any fees: The fees within this administrative regulation are consistent with current practice. There is not an increase in fees.

(9) TIERING: Is tiering applied? Yes, tiering is applied as the agency collects fees based on a family's pay category, which is determined by using their income. The fees are $5, $10, or $15 based on pay category assignment.

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 Office for Children with Special Health Care Needs, a state government agency within the Cabinet for Health and Family Services, will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.030(5), KRS 194A.050(1), KRS 200.460

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Revenue will vary based on the type of claim.

(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? Revenue will remain neutral.

(c) How much will it cost to administer this program for the first year? This new administrative regulation will have no administrative costs in the first year.

(d) How much will it cost to administer this program for subsequent years? This new administrative regulation will have no administrative costs in subsequent years.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Office for Children with Special Health Care Needs
(Amended After Comments)

911 KAR 1:060.[~~Office for Children with Special Health Care Needs~~] Medical staff.

RELATES TO: KRS 200.460**, 313.035**

STATUTORY AUTHORITY: KRS 194A.030(5)**[~~, 200.460(2)~~]**

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.030(5) authorizes the Office for Children with Special Health Care Needs to promulgate administrative regulations to implement and administer its responsibilities.**[~~KRS 200.460 mandates the Office for Children with Special Health Care Needs to provide services to children with disabilities, including necessary medical treatment by physicians or surgeons deemed qualified by the agency.~~]** This administrative regulation establishes requirements relating to the Office for Children with Special Health Care Needs Medical Staff.

Section 1. Definitions. (1) "Advanced practice registered nurse" is defined by KRS 314.011(7).

(2) "Dentist" is defined by KRS 313.010(10).

(3) "MAC" means the Medical Advisory Committee, which is an internal OCSHCN committee that consists of thirteen (13) members and advises OCSHCN on issues pertaining to medical staff qualification, credentialing, quality, and other related issues.

(4) "OCSHCN" means Office for Children with Special Health Care Needs.

(5) "Physician" is defined by KRS 311.550(12).

(6) "Physician assistant" is defined by KRS 311.840(3).

(7) "Psychologist" is defined by KRS 319.010(9).

Section 2. Qualifications for Acceptance to OCSHCN Active Medical Staff. (1) In order to be eligible for acceptance to the OCSHCN active medical staff, an individual shall be:

(a) Licensed to practice in Kentucky as a:

1. Physician;
2. Dentist;
3. Advanced practice registered nurse;
4. Physician assistant; or
5. Psychologist; and

(b) Able to document:

1. Background, experience, training, and competence;
2. Adherence to the ethics of the individual's profession;
3. Professionalism; and
4. Interpersonal skills.

(2) A physician or dentist shall be:

(a)1. Eligible for membership in the national medical or dental society; or

2. Enrolled as a member of the national medical or dental society; and

(b) Enrolled as a participating provider in the Kentucky Medicaid program, in accordance with 907 KAR 1:672.

(3) For specific medical specialties, for which there is a generally recognized certification by a board giving examinations in the field, the individual shall be:

(a) Eligible to sit for the examination of the board; or

(b) Board certified.

(4) The **OCSHCN** executive director, upon advice of the MAC, may exempt an individual from the requirements **established[~~specified~~]** in subsection (3) of this section if the individual:

(a) Agrees to provisional status for twelve (12) months; and

(b) Agrees to provide the MAC at the completion of twelve (12) months, with three (3) references, including:

1. Two (2) peer reference letters that:

a. Are written by Kentucky physicians, dentists, or psychologists as appropriate; and

b. Are completed on the:

(i) OCSHCN-60g, Peer Reference Letter Medical or Dental; or

(ii) OCSHCN-60h, Peer Reference Letter Psychologist; and

2. One (1) reference letter that:

a.(i) Is written by the medical director of a Kentucky children's hospital where the individual is on medical staff; or

(ii) If not on medical staff at a children's hospital, is written by the medical director at the Kentucky hospital where the individual is on medical staff and admits the majority of the individual's patients; and

b. Is completed on the OCSHCN-60j, Facility Recommendation Letter.

(5) For initial appointment to the medical staff in a dental specialty area, the individual shall be licensed in the specialty area, in accordance with KRS 313.035 and 201 KAR 8:532.

Section 3. Categories of Medical Staff. The medical staff shall consist of the following categories:

(1) Temporary active status, pursuant to Section 6 of this administrative regulation;

(2) Active status, pursuant to Sections 2, 4, and 5 of this administrative regulation;

(3) Provisional status, pursuant to Sections 2, 4, 5, and 7 of this administrative regulation; and

(4) Contracted status, pursuant to Section 8 of this administrative regulation.

Section 4. Initial Application Process for Active Medical Staff. (1) An individual seeking initial appointment to the medical staff shall submit to OCSHCN a completed application packet

containing:

(a) A completed and signed:

1. a. OCSHCN-60a, Application for Active Medical or Dental Staff, if the individual is a dentist or physician;

b. OCSHCN-60b, Application for Active Medical APRN Staff, if the individual is an advanced practice registered nurse;

c. OCSHCN-60c, Application for Active Psychology Staff, if the individual is a psychologist; or

d. OCSHCN-60d, Application for Active Medical Physician Assistant Staff, if the individual is a physician assistant;

2. OCSHCN-60e, Authorization, Attestation, and Release; and

3. OCSHCN-60f, Anti-Harassment and Discrimination Acknowledgment;

(b) A copy of the individual's current Council for Affordable Quality Healthcare (CAQH) application;

(c) A current curriculum vitae;

(d) A copy of the individual's malpractice insurance endorsement; and

(e) The applicable information required by subsections (2) though (5) of this section.

(2) If the individual is a dentist or physician, the following attachments shall be included:

(a) A copy of the individual's license to practice, issued by the Kentucky:

1. Board of Dentistry; or

2. Board of Medical Licensure; and

(b) If applicable, a copy of the individual's current Form DEA-223, Controlled Substance Registration Certificate issued by the United States Department of Justice, Drug Enforcement Administration.

(3) If the individual is an advanced practice registered nurse, the following attachments shall be included:

(a) A copy of a signed Collaborative Practice Agreement between the physician and the individual, as submitted to the Kentucky Board of Nursing; and

(b) A copy of the individual's current credentialing from the:

1. American Nurses Credentialing Center (ANCC); or

2. American Academy of Nurse Practitioners (AANP).

(4) If the individual is a psychologist, the application packet shall include a copy of the individual's license to practice, issued by the Kentucky Board of Examiners of Psychology.

(5) If the individual is a physician assistant, the following attachments shall be included:

(a) A copy of the individual's license to practice, issued by the Kentucky Board of Medical Licensure;

(b) A copy of the initial and any applicable Supplemental Application for Physician to Supervise Physician Assistant, as submitted to the Kentucky Board of Medical Licensure; and

(c) A copy of the National Commission on Certification of Physician Assistants (NCCPA) certification.

Section 5. Procedures for Application Review and Appointment. (1) Within seven (7) working days of receipt of the application pursuant to Section 4 of this administrative regulation, designated OCSHCN staff shall request that:

(a) Individuals listed as references complete the:

1. OCSHCN 60g, Peer Reference Letter Medical or Dental; or

2. OCSHCN 60h, Peer Reference Letter Psychologist, if the individual is a psychologist; and

(b) An individual submit missing information or other required documents necessary to an evaluation of the individual's qualifications.

(2) If the documentation requested pursuant to subsection (1) of this section is not received by OCSHCN within forty-five (45) working days from the date of the request, designated OCSHCN staff shall notify the individual in writing that:

(a) The individual shall be responsible for following up to obtain missing information and ensuring receipt by OCSHCN within twenty (20) working days of written notice;

(b) Failure to submit the missing information within twenty (20) working days of written notice under paragraph (a) of this subsection shall result in the application being placed in closed status without further review;

(c) Reapplication for staff appointment shall not be considered for a period of six (6) months from the date of the notice that the application has been closed pursuant to paragraph (b) of this subsection; and

(d) Reapplication for staff appointment shall be processed as an initial application.

(3) Upon receipt of documentation requested pursuant to subsection (1) of this section, designated OCSHCN staff shall make the application and other documentation available to the MAC chair, who shall present the application at the next meeting of the MAC.

(4) The MAC shall:

(a) Ensure that all necessary documents and investigations have been validated with objectivity, fairness, and impartiality, and that recommendations are soundly based and compatible with the objectives of OCSHCN;

(b) Determine if the individual meets all necessary qualifications for the category of staff membership and clinical privileges requested;

(c) If the MAC determines that the individual meets all necessary qualifications for the category of staff membership and clinical privileges requested, recommend to designated OCSHCN staff:

1. Appointment to the appropriate staff category; and

2. Granting of privileges according to the specialty to which the individual shall be assigned; and

(d) If the MAC determines that the individual does not meet all necessary qualifications for the category of staff membership and clinical privileges requested:

1. Defer consideration of the application, if clarifying information is needed; or

2. Reject the application.

(5) Upon the MAC approving the individual, designated OCSHCN staff shall add the individual approved in accordance with this section to OCSHCN's active medical staff for a period of three (3) years.

(6) An individual aggrieved by an adverse decision pursuant to subsection (4)(d) of this section may request to address the MAC to seek reconsideration pursuant to Section 13 of this administrative regulation.

Section 6. Temporary Active Medical Staff. (1) The executive director or designee may make a temporary active medical staff appointment if necessary to provide clinical coverage. This type of staff appointment shall be:

(a) Emergency in nature;

(b) Made based on information currently available that may reasonably be obtained as to the competence and ethical standing of the individual; and

(c) Reviewed by the MAC within six (6) months following the appointment.

(2) A temporary active medical staff appointment shall last no longer than six (6) months, at which time the appointment shall be eligible for conversion to the active medical staff pursuant to the processes established in Sections 4 and 5 of this administrative regulation.

(3) Each appointee to the temporary active medical staff shall have an assigned member of the active medical staff review performance during clinic and make recommendations to the MAC as necessary regarding conversion to the active medical staff.

(4) An appointee to temporary active medical staff status shall be **compensated[~~reimbursed~~]** in accordance with Section 11 of this administrative regulation.

Section 7. Provisional Staff. (1) In accordance with Section 2(4) of this administrative regulation, the executive director may make a provisional staff appointment if an individual meets the requirements of Sections 2, 4, and 5 of this administrative regulation.

(2) An appointment to provisional status shall be effective for twelve (12) months.

(3) Prior to the end of the twelve (12) months, the MAC shall:

(a) Review reference letters submitted in accordance with

Section 2(4) of this administrative regulation; and

(b) Make a recommendation to designated OCSHCN staff at its next meeting as to whether to:

1. Move the appointee to active status; or

2. Terminate provisional status.

(4) An appointee aggrieved by a recommendation to terminate provisional status may be heard by the MAC pursuant to Section 13 of this administrative regulation.

Section 8. Contracted Staff. (1) In accordance with KRS Chapter 45A, OCSHCN may contract with medical or dental specialists to provide services to children outside of OCSHCN offices and clinics.

(2) OCSHCN-enrolled children may be referred to contracted staff by a member of the active **OCSHCN** medical staff or the **OCSHCN** medical director.

Section 9. Annual Review and Reappointment Process. (1) OCSHCN shall, on an annual basis, verify for each member of the active medical staff:

(a) Current state license; and

(b) Current malpractice insurance.

(2) Each member of the active medical staff shall undergo a re-credentialing process every three (3) years. Required documents to be submitted to OCSHCN shall include:

(a) OCSHCN-60i, Renewal Application for Active Medical or Dental Staff; and

(b) All documents requested by OCSHCN-60i, Renewal Application for Active Medical or Dental Staff.

(3) The reappointment evaluation shall include**[~~the following criteria~~]**:

(a) Review of required forms and documents;

(b) Timely completion and preparation of medical and other required patient records;

(c) Satisfactory evidence of compliance with ethics;

(d) Compliance with OCSHCN procedures;

(e) General cooperation and ability to work with others;

(f) Results of quality assurance audits, if conducted; and

(g) Reports of disciplinary action requested, or proceedings initiated against a provider at any institution.

(4) At each regularly scheduled meeting, the MAC shall complete a review of the active medical staff that are due for a three (3) year re-credentialing appraisal. The review shall include:

(a) OCSHCN-60i, Renewal Application for Active Medical or Dental Staff; and

(b) Any other information**[~~the MAC deems~~]** pertinent to continuation on the medical staff.

(5) After the review, the MAC shall make a determination to re-credential or not re-credential **based on the information requested in this section**.

Section 10. Duties and Responsibilities of Medical Staff. (1) Each member of the medical staff shall assume the same responsibility for care and treatment of the staff member's assigned patients as in private practice.

(2) A resident physician or dentist in training may assist in the care of patients, if a member of the active medical staff:

(a) Remains entirely responsible for the care of each patient;

(b) Examines and, if indicated, recommends treatment for each new patient under the staff member's care;

(c) Remains present in the surgical suite at all operations and other procedures in which general anesthesia is used;

(d) Directs the examination of all patients assigned to the active staff member for discharge from the hospital and **designates[~~outlines~~]** follow-up care; and

(e) Maintains oversight of the resident physician or dentist.

(3) Active medical staff members assigned to OCSHCN clinics shall be present to conduct an assigned clinic. If an active medical staff member cannot be present to conduct an assigned clinic, the staff member shall:

(a) Make arrangements with another member of the OCSHCN medical staff to serve in the staff member's place, if the staff member advises the assigned OCSHCN staff of this change; or

(b) Request that assigned OCSHCN staff reschedule the clinic, if the request is timely enough to allow OCSHCN staff to notify patients of the rescheduling.

(4) For a clinic with more than one (1) provider representing different specialties, if an active medical staff member cannot be present to conduct an assigned clinic, the staff member shall:

(a) Make arrangements with another member of the OCSHCN medical staff to serve in the staff member's place, if the staff member advises the assigned OCSHCN staff of this change; or

(b) Make arrangements with the other active medical staff members assigned to the clinic to reschedule the entire clinic, if the request is timely enough to allow OCSHCN staff to notify patients of the rescheduling.

(5) If an active medical staff member who has responsibility for a clinic fails to attend two (2) clinics during a twelve (12) month period and does not comply with subsection (3) or (4) of this section, the active medical staff member shall be:

(a) Removed from the active medical staff; and

(b) Advised in writing of:

1. The removal; and

2. Right to be heard by the MAC pursuant to Section 13 of this administrative regulation.

(6) Medical staff members participating in OCSHCN onsite clinics shall document a summary of each patient visit. Documentation shall be completed:

(a) On the day of the visit; or

(b) Within seventy-two (72) hours of the visit if it cannot be finished on the day of the visit.

(7) Medical staff members participating in OCSHCN onsite clinics shall:

(a) Not remove patient medical records from OCSHCN premises; and

(b) Authenticate their medical record entries regarding diagnosis, findings, and recommendations for treatment, by:

1. Signature; or

2. Initials.

(8) If a medical staff member elects to initial the medical record pursuant to subsection (7) of this section, OCSHCN shall maintain a legend for purpose of identity, which **shall include[~~includes~~]** the typed or printed name of the medical staff member, followed by hand signed initials.

(9) A medical staff member may see OCSHCN patients in the staff member's private office, as deemed necessary by the medical staff member. Office visit records shall be:

(a) Completed; and

(b) Forwarded to the assigned OCSHCN office within three (3) working days of the visit.

(10) To the extent possible, total care for the child shall be considered while the specific condition for which treatment is sought is being cared for. Coexistent diseases, disabilities, or anomalies shall be investigated and treated if:

(a) The referring physician or dentist, if any, approves and consents; and

(b) The services fall within the categories eligible for treatment by OCSHCN in accordance with 911 KAR 1:010.

(11) A program of total care for the child shall be developed by a team approach. There shall be discussion of all phases of the problem of each child by all medical personnel concerned with the child's care, including therapists and other professional personnel. Team care shall be provided within the context of a multidisciplinary clinic.

(12) Contracted staff shall be available for consultation and treatment if indicated. Arrangements for contracts shall be made through the assigned OCSHCN office on an individual basis.

Section 11. Compensation. (1) A member of the medical staff shall be compensated for services provided during onsite OCSHCN clinics in accordance with a contract agreed to pursuant to the provisions of KRS Chapter 45A.

(2) If OCSHCN staff refer patients to a member of the active medical staff for services outside of an OCSHCN clinic, information needed to bill the appropriate insurance carrier shall be included.

Section 12. Corrective Action. (1) The following parties may request corrective action be directed toward a member of the medical staff:

(a) Any member of the medical staff;

(b) The chair of the MAC;

(c) OCSHCN staff; or

(d) A member of the family of an OCSHCN-enrolled child.

(2) The basis for a request for corrective action shall include activities or professional conduct that are considered to be:

(a) Contrary to the standards or aims of the medical staff; or

(b) Disruptive to OCSHCN operations, programs, or clinics.

(3) A request for corrective action shall be:

(a) In writing;

(b) Addressed to the executive director; and

(c) Supported by references to the specific activities or conduct that constitutes grounds for the request.

(4) Within ten (10) working days of receipt of a request for corrective action, the executive director or designee shall:

(a) Initiate an investigation of the facts and circumstances surrounding the grounds for the requested corrective action;

(b) Interview the member of the medical staff against whom the corrective action is requested;

(c) Document the interview in writing; and

(d) Submit a report and recommendation to the MAC for consideration.

(5) Within ninety (90) working days following the receipt of the recommendation by the executive director, the MAC shall make recommendations on the request.

(6) In accordance with**[~~the provisions of~~]** subsection (5) of this section, the MAC may:

(a) Reject the request for corrective action;

(b) Issue a warning, letter of admonition, or letter of reprimand;

(c) Impose terms of probation or a suspension from the medical staff; or

(d) Recommend that the affected member's medical staff membership be suspended or revoked.

(7) The executive director shall have the authority to summarily suspend or dismiss a member of the medical staff if action is needed immediately in the interest of patient care. Grounds for summary suspension or dismissal from the medical staff shall include:

(a) Action by the governing Board of Medical Licensure, Board of Dentistry, Board of Nursing, or Board of Examiners of Psychology, in which a member's license is revoked or suspended;

(b) Loss of hospital privileges; or

(c) Behavior that creates a risk of harm to children or OCSHCN staff.

Section 13. Request for Reconsideration. (1) A provider may request to appear before the MAC to advocate for reconsideration if the provider:

(a) Was denied appointment to the medical staff pursuant to Section 5 of this administrative regulation;

(b) Had provisional status terminated pursuant to Section 7 of this administrative regulation;

(c) Was removed from the active medical staff pursuant to Section 10(5) of this administrative regulation; or

(d) Has been the subject of corrective action pursuant to Section 12 of this administrative regulation.

(2) A provider who is aggrieved pursuant to subsection (1) of this section shall complete form OCSHCN-60k, Request for Reconsideration by Medical Advisory Committee, to include:

(a) Name of provider;

(b) Specialty;

(c) Address;

(d) Telephone;

(e) E-mail address, if available;

(f) Justification for reconsideration;

(g) Supporting documentation, if available, including:

1. Verification of training or work history; and

2. Provider statements or recommendations; and

(h) Dated signature of the provider.

(3) The MAC shall review the completed form and supporting documentation.

(4) The MAC may request additional information as needed within five (5) working days of the review date.

(5) The provider shall return the information requested pursuant to subsection (4) of this section within ten (10) working days.

(6) The MAC shall communicate to the provider:

(a) The date to appear before the MAC; and

(b) Within five (5) working days of the receipt of all information requested.

(7) Following the provider's appearance at the MAC, the MAC shall communicate within five (5) working days to the provider:

(a) The decision made; and

(b) A brief explanation.

Section 14. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) **["]**OCSHCN-60a, **"**Application for Active Medical or Dental Staff," 01/2019;

(b) **["]**OCSHCN-60b, **"**Application for Active Medical APRN Staff," 01/2019;

(c) **["]**OCSHCN-60c, **"**Application for Active Psychology Staff," 01/2019;

(d) **["]**OCSHCN-60d, **"**Application for Active Medical Physician Assistant Staff," 01/2019;

(e) **["]**OCSHCN-60e, **"**Authorization, Attestation, and Release," 01/2019;

(f) **["]**OCSHCN-60f, **"**Anti-Harassment and Discrimination Acknowledgment," 01/2019;

(g) **["]**OCSHCN-60g, **"**Peer Reference Letter Medical or Dental," 01/2019;

(h) **["]**OCSHCN-60h, **"**Peer Reference Letter Psychologist," 01/2019;

(i) **["]**OCSHCN-60i, **"**Renewal Application for Active Medical or Dental Staff," 01/2019;

(j) **["]**OCSHCN-60j, **"**Facility Recommendation Letter," 01/2019; and

(k) **["]**OCSHCN-60k, **"**Request for Reconsideration by Medical Advisory Committee," 01/2019.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office for Children with Special Health Care Needs, 310 Whittington Parkway, Suite 200, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. or online at the agency's Web site at https://chfs.ky.gov/agencies/ccshcn.

SHELLIE A. MAY, BSN, Executive Director
ADAM M. MEIER, Secretary

APPROVED BY AGENCY: May 7, 2019

FILED WITH LRC: May 14, 2019 at 4 p.m.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Persons: Jonathan Borden, 502-429-4430, Jonathan.Borden@ky.gov; and Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes eligibility criteria for medical staff, application processes, classification of staff categories (active, temporary active, contract, provisional), procedures for application review and appointment, procedures for annual review and reappointment every three (3) years, duties and responsibilities of appointed providers, provisions for compensation, procedures for corrective action, and a process for reconsideration for aggrieved parties. Forms required are incorporated by reference.

(b) The necessity of this administrative regulation: This administrative regulation is needed to formally establish the agency's medical staff policies in administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes standards for medical care providers as mandated by KRS 200.460.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation facilitates the Cabinet's compliance with KRS 200.460(2). This administrative regulation assists in the provision of necessary treatment by physicians or other providers who are qualified, and proper administration of the OCSHCN program.

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

(a) How the amendment will change this existing administrative regulation: This is an amended version of a new administrative regulation and the amendments are due to feedback received via written comments. The comments that led to changes related to appropriate wording, spacing issues, and clarifying that certain job titles are OCSHCN job titles.

(b) The necessity of the amendment to this administrative regulation: The changes made with this amendment allow for more clarity.

(c) How the amendment conforms to the content of the authorizing statutes: These amendments conform to the content of the authorizing statues by ensuring they are appropriate, pursuant to Title V of the Social Security Act.

(d) How the amendment will assist in the effective administration of the statutes: These amendments will assist in the effectiveness of the statutes by enhancing the clarity and consistency of language used in the administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Entities seeking appointment to the OCSHCN medical staff will be affected by this administration regulation. The current active medical staff includes 118 providers from an array of specialties, including eighty-five (85) medical doctors, fourteen (14) advanced practice registered nurses, fourteen (14) dentists, two (2) physician assistants, two (2) doctors of osteopathy, and two (2) psychologists. Additionally, approximately 1,200 OCSHCN-contracted individuals serve as contracted staff who may provide services to OCSHCN-enrolled children outside of clinics.

(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: If they choose, individuals seeking appointment to the OCSHCN medical staff shall pursue the application process described, including the individual forwarding, to the Office for Children with Special Health Care Needs, a packet with required forms, references, and supporting documentation. Impact will be minimal, as individuals have already been following these steps pursuant to OCSHCN medical staff procedures that predate the promulgation of 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 Office for Children with Special Health Care Needs does not anticipate any additional costs to the entities as a result of this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Individuals appointed to the OCSHCN medical staff will be eligible to provide, through contractual agreement, direct care services to children eligible for the OCSHCN clinical programs pursuant to KRS 200.460(1).

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

(a) Initially: There are no additional costs necessary to implement this administrative regulation.

(b) On a continuing basis: There are no additional costs necessary to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Costs of implementation and enforcement will be minimal and absorbed into the existing Office for Children with Special Health Care Needs agency budget. Procedures that have been in place outside of administrative regulation are now being enumerated to bring the agency into compliance with the provisions of KRS Chapter 13A. Additional funding is not needed because of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or additional funding will be necessary to implement this administrative regulation.

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

(9) TIERING: Is tiering applied? Yes. OCSHCN tiers the request for documentation to the medical field in which the provider applies to practice. If a particular form is not relevant to the field of practice, the individual is not required to submit the document.

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 Office for Children with Special Health Care Needs, a state government agency within the Cabinet for Health and Family Services, will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.030(5), KRS 200.460

(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? This new administrative regulation will not generate revenue in the first year.

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

(c) How much will it cost to administer this program for the first year? This new administrative regulation will have no administrative costs in the first year.

(d) How much will it cost to administer this program for subsequent years? This new administrative regulation will have no administrative costs in subsequent years.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

PROPOSED AMENDMENTS

FINANCE AND ADMINISTRATION CABINET
Executive Branch Ethics Commission
(Amendment)

9 KAR 1:010. Statement of financial disclosure.

RELATES TO: KRS 11A.010(7), (9), (13), 11A.050(2), (3)
STATUTORY AUTHORITY: KRS 11A.050(2), 11A.110(3), (4)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 11A.110(3) and (4) require the Executive Branch Ethics Commission to promulgate administrative regulations to implement KRS Chapter 11A and to prescribe forms for statements required by this chapter. KRS 11A.050(2) requires the commission to prescribe the form for the statement of financial disclosure. This administrative regulation prescribes the form and incorporates it by reference.

Section 1. Definitions. (1) "Address or location" means a street address or an address assigned to a location by the U.S. postal service, 911 service, or local government. If such an address is not available, then "address or location" means a description of the property so as to easily identify the location, global positioning system coordinates, or the location as described on the deed for the property.
(2) Business is defined by KRS 11A.010(1);
(3) "Candidate" is defined by KRS 11A.010(13).
(4)[~~(2)~~] "Commission" is defined by KRS 11A.010(2).
(5) Compensation is defined by KRS 11A.010(3).
(6) "Consumer goods" means any item either tangible or intangible that can be purchased; "consumer goods" do not include purchases of real property or real estate.
(7) "Family" is defined by KRS 11A.010(4).
(8) "Gifts of money or property" means a payment, loan, subscription, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received; "gift" does not include gifts from family members, campaign contributions, the waiver of a registration fee for a presenter at a conference or training described in KRS 45A.097(5), gifts received by a public servant on behalf of his or her agency pursuant to KRS 45A.097, or door prizes that are available to the public.
(9) "Home street address" means the address or location at which the officer resides on a permanent basis;
(10) "Income" is defined by KRS 11A.010(6).
(11)[~~(3)~~] "Officer" is defined by KRS 11A.010(7).
(12)[~~(4)~~] "Public servant" is defined by KRS 11A.010(9).
(13) "Start date" means the first date of employment with a state agency in the executive branch of the Commonwealth.

Section 2. (1) The statement of financial disclosure required of current officers and public servants listed in KRS 11A.010(9)(a) to (g) by KRS 11A.050(1) shall be filed on the statement of financial disclosure form effective at the time of his or her start date or effective at the time that candidate filing forms are filed by a candidate[~~Statement of Financial Disclosure and submitted in person, by U.S. Mail, electronically by facsimile or electronic mail to the commission's offices, or through an online system established by the commission~~].
(2) The statement of financial disclosure required by former officers and former public servants listed in KRS 11A.010(9)(a) to (g) by KRS 11A.050(1) to be filed within thirty (30) days after the date the person no longer serves as an officer or public servant listed in KRS 11A.010(9)(a) to (g) shall be filed on the statement of financial disclosure form effective at the date of departure from state service.
(3) Until June 27, 2019, an officer, public servant listed in KRS 11A.010(9)(a) to (g), or candidate[~~Candidates~~] shall file a statement of financial disclosure on the form Statement of Financial Disclosure (Rev. 11/2016). After June 27, 2019, the statement of financial disclosure required by KRS 11A.050(1) shall be filed on the Statement of Financial Disclosure EBEC-SFD-101[~~and submit it in person, by U.S. Mail, electronically by facsimile or electronic mail to the commission's offices, or through an online system established by the commission~~].

Section 3. Submission. (1) The signature on the statements required by this administrative regulation shall be:
(a) In blue or black ink; or
(b) Electronic.
(2) The statement of financial disclosure shall be filed with the commission as follows:
(a) By hard copy via hand-delivery, U.S. Mail, or other delivery service to the Commission's address;
(b) Electronically by facsimile to (502) 696-5091;
(c) Electronically by electronic mail to ethicsfiler@ky.gov; or
(c) Through an online system established by the commission.
(3) The statement of financial disclosure incorporated by reference may be reproduced.

Section 4[~~3~~]. Incorporation by Reference. (1) The following material is incorporated by reference:
(a) "Statement of Financial Disclosure", rev. 11/2016[~~, is incorporated by reference~~].
(b) "Statement of Financial Disclosure" EBEC-SFD-101 (Rev. 05/2019).
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104[~~#3 Fountain Place~~], Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

CHRISTOPHER L. THACKER, Chair
APPROVED BY AGENCY: MAY 14, 2019
FILED WITH LRC: May 15, 2019 at 10 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019, at 10:00 a.m., at 1025 Capital Center Drive, Suite 105, Boardroom, 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 this 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 June 30, 2019. 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: Kathryn H. Gabhart, Executive Director, Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601, phone (502) 564-7954, fax (502) 695-5939, email Katie.Gabhart@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kathryn H. Gabhart
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation provides guidance to Executive Agency officers as to how to file a Statement of Financial Disclosure with the Executive Branch Ethics Commission as required by KRS 11A.050.
(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 11A.050.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation provides guidance and forms required by KRS 11A.050.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently provides guidance and the forms required for Executive Agency officers to file a Statement of Financial Disclosure with the Executive Branch Ethics Commission

as required by KRS 11A.050.

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

(a) How the amendment will change this existing administrative regulation: This amendment will change the administrative regulation by revising the forms to conform to the requirements of SB 6 of the 2019 General Assembly Session.

(b) The necessity of the amendment to this administrative regulation: This amendment to the administrative regulation is required by SB 6 of the 2019 General Assembly Session.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment to the administrative regulation conforms to the amendment to KRS 11A.050 in SB 6 of the 2019 General Assembly Session.

(d) How the amendment will assist in the effective administration of the statues: This amendment to the administrative regulation will assist in the administration of KRS 11A.050 to conform to the requirements of SB 6 of the 2019 General Assembly Session.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Officials of Executive Branch Agencies and those running for constitutional office.

(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: All executive agency officers and those running for constitutional office will be able to file their Statements of Financial Disclosure in accordance with SB 6.

(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 Executive Branch Officials and those running for constitutional office will have to file the required forms through whatever means they choose under the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no known cost associated with this amended administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All Executive Branch Officers and those running for Constitutional office will have greater ease and access to file their Statements of Financial Disclosure.

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

(a) Initially: There is no known cost associated with this amended administrative regulation.

(b) On a continuing basis: There is no known cost associated with this amended administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Commission's existing 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: This administrative regulation will not require an increase in any fees or funding.

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

(9) TIERING: Is tiering applied? Tiering was not applied because this administrative regulation applies equally to all affected individuals.

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 Executive Branch of state government.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 11A.110(3) and 11A.050.

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 amendment to the administrative regulation will not generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate any revenue? The amendment to the administrative regulation will not generate any revenue.

(c) How much will it cost to administer this program for the first year? $500 for publications and training; funds already included in the Executive Branch Ethics Commission's budget.

(d) How much will it cost to administer this program for subsequent years? $500 for publication and training; funds already included in the Executive Branch Ethics Commission's budget.

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:

FINANCE AND ADMINISTRATION CABINET
Executive Branch Ethics Commission
(Amendment)

9 KAR 1:040. Executive agency lobbyist, employer or executive agency lobbyist, and real party in interest registration[~~Registration~~] and expenditure statements; financial transactions and termination forms; and enforcement.

RELATES TO: KRS 11A.201, 11A.211, 11A.216, 11A.221, 11A.231, 11A.233(1), 11A.236, 11A.241(4), (5), (6), 11A.990

STATUTORY AUTHORITY: KRS 11A.110(3), (4), 11A.241(4), (5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 11A.110(3) requires the Executive Branch Ethics Commission to promulgate administrative regulations to implement and prescribe forms for statements required by KRS Chapter 11A. KRS 11A.241(4) and (5) require the Executive Branch Ethics Commission to prescribe the initial registration statement, the updated registration statement, and the termination notice required by KRS 11A.211, the statement of expenditures required by KRS 11A.216, and the statement of financial transactions required by KRS 11A.221. This administrative regulation establishes the initial registration, financial transactions statements, [~~and~~]expenditure statements, termination notice, and enforcement procedure.

Section 1. Definitions. (1) "Agent" means the "executive agency lobbyist" as defined by KRS 11A.201(8).

(2) "Commission" means the Executive Branch Ethics Commission.

(3)[~~(2)~~] "Employer" is defined by KRS 11A.201(3).

(4)[~~(3)~~] "Executive agency decision" is defined by KRS 11A.201(7).

(5)[~~(4)~~] "Executive agency lobbyist" is defined by KRS 11A.201(8).

(6) "Filer" means the executive agency lobbyist, employer of the executive agency lobbyist, or real party in interest;

(7)[~~(5)~~] "Real party in interest" is defined by KRS 11A.201(15).

Section 2. Initial Registration Statement. (1) Until June 30, 2019, the initial registration statement [~~and fee~~]required by KRS 11A.211(1)[~~11A.211~~] shall be filed on the Initial Registration Statement [~~form~~] (Rev. 4/2016). After June 30, 2019, the initial registration statement required by KRS 11A.211(1) shall be filed on

the Initial Registration Statement EBEC-EAL-201.

(2)(a) The brief description of the executive agency decision shall include the subject matter for which an executive agency lobbyist:

1. Has been engaged; or

2. Is responsible.

(b) Subject matters shall include:

1. An award of grant for social services;

2. A lease for office space or equipment;

3. A contract to provide food, clothing, or other consumable products;

4. Any decisions made concerning the matters listed in KRS 11A.201(7)(a) through (f), and

5.[~~4.~~] Any other subject matter.[~~(3)(a) The signature on the Initial Registration Statement which is filed with the commission shall be submitted either in blue or black ink, electronically by facsimile, or electronic mail to the commission, or through an online system established by the commission.~~

~~(b) The forms incorporated by reference in this administrative regulation may be reproduced by an executive agency lobbyist or his employer.~~]

Section 3. (1)(a) Until July 31, 2019, if a filer submitted the initial registration statement form to the commission prior to June 30, 2019, then the updated registration statement form required by KRS 11A.211(2) shall be filed on the applicable Updated Registration Statement (Rev. 4/2016) for that filer[~~forms~~].

(b) If a filer submitted the initial registration statement form to the commission after June 30, 2019, then the updated registration form required by KRS 11A.211(2) shall be filed on the applicable Updated Registration Statement as follows:

1. For the executive agency lobbyist on:

a. The combined form EBEC-EAL-202; or

b. EBEC-EAL-203;

2. For the employer of the executive agency lobbyist on form EBEC-EAL-204; and

3. For the real party in interest on form EBEC-EAL-205.

(2) Until June 30, 2019, the notice of termination required by KRS 11A.211(4) shall be filed on the Termination Notification as Executive Agency Lobbyist (Rev. 4/2016). After June 30, 2019, the notice of termination required by KRS 11A.211(4) shall be filed on the Termination Notification as Executive Agency Lobbyist EBEC-EAL-206[~~form~~].

Section 4. Enforcement Procedure. (1) If an executive agency lobbyist, an employer of an executive agency lobbyist, or a real party in interest has not filed an Updated Registration Statement on or before the date the statement is due, the commission shall notify the party, by certified mail, return receipt requested, that if the statement is not filed within fifteen (15) days of the date of the receipt of notice the commission shall levy a fine, as provided by KRS 11A.990(5).

(2) If, by the 16th day after proof of service of the certified letter is received by the commission, the commission has not received the statement that was due by July 31, the commission shall prepare and issue to the executive agency lobbyist, employer, or real party in interest an order demanding payment of the appropriate fine as required by KRS 11A.990(5). The executive agency lobbyist, employer, or real party in interest shall pay the fine within ten (10) days from the date of the order. The commission shall exonerate or reduce the fine if the commission receives evidence during the ten (10) day fine payment period indicating the filer has already filed the updated registration statement, or that the delinquency is in error.

(3) The commission also may exonerate or reduce a fine for late filing of the updated registration statement if the commission feels that exoneration is warranted, based on the circumstances, such as illness or injury, bereavement, emergency, unforeseen circumstances beyond the control of the person, bona fide effort to file on time, or similar circumstance.

(4) If the commission is not in receipt of the fine from the executive agency lobbyist, employer, or real party in interest by the tenth day after issuance of the order demanding payment of the fine, the general counsel may recommend that the commission initiate an investigation of the executive agency lobbyist, employer, or real party in interest to determine if the failure to file was intentional causing the criminal penalties set forth in KRS 11A.990(6) to apply.

Section 5. Submission. (1) The signature on the statements and forms required by this administrative regulation shall be:

(a) In blue or black ink; or

(b) Electronic.

(2) The forms required by this administrative regulation, which are filed with the commission, shall be submitted as follows:

(a) By hard copy via hand-delivery or U.S. Mail to the Commission's address;

(b) Electronically by facsimile to (502) 696-5092

(c) Electronically by electronic mail to ethicsfiler@ky.gov; or

(c) Through an online system once established by the commission.

(3) The forms incorporated by reference in this administrative regulation may be reproduced by the executive agency lobbyist, the employer, or real party in interest.

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

(a) "Initial Registration Statement", rev. 04/2016;

(b) "Updated Registration Statement - Executive Agency Lobbyist", rev. 04/2016;

(c) "Updated Registration Statement - Employer of Executive Agency Lobbyist", rev. 04/2016;

(d) "Updated Registration Statement -Executive Agency Lobbyist/Employer Combined", rev. 04/2016;

(e) "Updated Registration Statement - Real Party in Interest", rev. 04/2016;

(f) "Termination Notification as Executive Agency Lobbyist", rev. 04/2016;

(g) "Commonwealth of Kentucky Registration Card Executive Agency Lobbyist", 9/93.

(h) "Initial Registration Statement" EBEC-EAL-201 (Rev. 05/2019);

(i) "Updated Registration Statement - Executive Agency Lobbyist" EBEC-EAL-202 (Rev. 05/2019);

(j) "Updated Registration Statement -Executive Agency Lobbyist/Employer Combined" EBEC-EAL-203 (Rev. 05/2019);

(k) "Updated Registration Statement - Employer of Executive Agency Lobbyist" EBEC-EAL-204 (Rev. 05/2019);

(l) "Updated Registration Statement - Real Party in Interest" EBEC-EAL-205 (Rev. 05/2016);

(m) "Termination Notification as Executive Agency Lobbyist" EBEC-EAL-206 (Rev. 05/2019);

(n) "Commonwealth of Kentucky Registration Card Executive Agency Lobbyist" (Rev. 9/93).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104[~~#3 Fountain Place~~], Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

CHRISTOPHER L. THACKER, Chair

APPROVED BY AGENCY: MAY 14, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019, at 1:00 p.m., at 702 Capital Avenue, Capital Annex, Room 154, 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 this 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 June 30, 2019. 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: Kathryn H. Gabhart, Executive Director, Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601, phone (502) 564-7954, fax (502) 695-5939, Katie.Gabhart@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kathryn H. Gabhart

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation provides guidance to Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, and Real Parties in Interest who file an initial registration and updated registration statements with the Executive Branch Ethics Commission as required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4).

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 11A.241(4), (5), and (6).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation provides guidance and forms required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently provides guidance and the forms required for Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, and Real Parties in Interest who file an initial registration and updated registrations with the Executive Branch Ethics Commission as required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4).

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

(a) How the amendment will change this existing administrative regulation: This amendment will change the administrative regulation by revising the forms required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4) as required by SB 6 of the 2019 General Assembly Session, as well as necessary changes for ease of use and aesthetic functioning of the forms.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary as required by SB 6 of the 2019 General Assembly Session.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment to the administrative regulation conforms with the requirements of SB 6 of the 2019 General Assembly Session requiring changes to the forms submitted by Executive Agency Lobbyists, Employers of the Executive Agency Lobbyists, and Real Parties in Interest.

(d) How the amendment will assist in the effective administration of the statutes: This amendment to the administrative regulation will assist in the administration of KRS 11A.211 as amended by SB 6 of the 2019 General Assembly Session requiring revisions in the forms submitted by Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, and Real Parties in Interest.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, Real Parties in Interest and officials of Executive Branch Agencies.

(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: All Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, Real Parties in Interest and officials of Executive Branch Agencies will be aware of the amendment of KRS 11A.211 by SB 6 of the 2019 General Assembly Session.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: They will have to file the required forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no known cost associated with this amended administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, Real Parties in Interest and officials of Executive Branch Agencies will have guidance and notice as to the requirements of KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4) and the revised forms required by SB 6 as amending KRS 11A.211.

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

(a) Initially: Minimal costs to the Executive Branch Ethics Commission associated with the publication of training materials and conducting education already provided by the Commission's budget.

(b) On a continuing basis: Minimal costs to the Executive Branch Ethics Commission associated with the ongoing publication of training materials and conducting education already provided by the Commission's budget.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Commission's existing 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: This administrative regulation will not require an increase in any fees or funding.

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

(9) TIERING: Is tiering applied? Tiering was not applied because this administrative regulation applies equally to all affected individuals.

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 Executive Branch of state government.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 11A.110(3) and 11A.080.

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 amendment to the administrative regulation will not generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate any revenue? The amendment to the administrative regulation will not generate any revenue.

(c) How much will it cost to administer this program for the first year? $500 for publications and training; funds already included in the Executive Branch Ethics Commission's budget.

(d) How much will it cost to administer this program for subsequent years? $500 for publication and training; funds already included in the Executive Branch Ethics Commission's budget.

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:

PERSONNEL CABINET
(Amendment)

101 KAR 2:180. Employee performance evaluation system.

RELATES TO: KRS 18A.110
STATUTORY AUTHORITY: KRS 18A.110(1)(i), (7)(j)
NECESSITY, FUNCTION and CONFORMITY: KRS 18A.110(1)(i) and (7)(j) requires the Secretary of the Personnel Cabinet to promulgate comprehensive administrative regulations for classified service employees to establish a uniform system of annual employee evaluations for classified employees. This administrative regulation establishes the uniform employee performance evaluation system.

Section 1. General Provisions. (1) The provisions of this administrative regulation shall be effective until completion of 2019 performance year activities.
(2) The annual performance period shall be one (1) calendar year beginning on January 1.
(3)[~~(2)~~] Except as provided in subsection (4)(d) of this section, performance evaluations shall be completed no later than January 31 after the end of the annual performance period.
(4)[~~(3)~~] All agencies shall use the Annual Employee Performance Evaluation form.
(5)[~~(4)~~](a) Except as provided in paragraph (b) or (c) of this subsection, the first line supervisor of an employee when the evaluation is due shall be the evaluator.
(b) If the first line supervisor has not supervised the employee for at least sixty (60) calendar days during the performance year, the next line supervisor who meets the sixty (60) day requirement shall be the evaluator.
(c) If an employee changes jobs or reports to a different supervisor on or before November 1 of the performance year, the agency shall transfer all performance evaluation documentation for the performance year to the new evaluator for incorporation in the annual evaluation.
(d) If an employee changes jobs or reports to a different supervisor after November 1 of the performance year, the annual evaluation shall be completed by the former supervisor prior to the job change.
(6)[~~(5)~~](a) Except as provided in paragraph (b) of this subsection, the evaluator shall establish a performance plan for each eligible employee no later than January 31 after the start of the performance period.
(b) If an employee's position or job title changes during the performance year, the evaluator shall establish a new performance plan no later than thirty (30) calendar days after the start of the position or job title change. The new performance plan shall become a part of the original performance year evaluation documentation.
(7)[~~(6)~~] The evaluator shall meet with the employee when completing the performance plan to discuss job duties and expectations.
(8)[~~(7)~~] Performance evaluations shall be in writing. The evaluator shall:
(a) Present and explain all documentation relevant to an employee's performance evaluation;
(b) Discuss both the positive and negative aspects of performance with the employee at the annual evaluation;
(c) Elicit the employee's opinions and concerns; and
(d) Discuss measures to improve or enhance performance with the employee.
(9)[~~(8)~~] The Personnel Cabinet or agency personnel shall provide supervisor evaluation training on the performance evaluation system.
(a) The appointing authority shall require that supervisor evaluation training is completed prior to completing performance planning, interim reviews, and annual evaluations of employees.
(b) The Personnel Cabinet shall monitor and validate compliance with supervisor evaluation training requirements.
(10)[~~(9)~~] An employee shall complete orientation to the performance evaluation system prior to January 1 of the employee's initial performance evaluation period.

Section 2. Employee Eligibility. Performance evaluations shall be completed for all full-time classified employees with status at the beginning of the performance year who have remained in continuous merit status throughout the performance year.

Section 3. Performance Planning. (1) The performance plan shall specify job responsibilities and expectations in the four (4) categories established in this subsection.
(a) Job tasks.
1. The job tasks category shall identify specific duties and expectations of the position held by the employee.
2. The employee's job duties shall be consistent with the position description.
3. Duties and expectations shall be in writing.
4. The evaluator shall assign points to identified duties and expectations.
(b) Adaptability/initiative.
1. The adaptability/initiative category shall identify job requirements of the agency.
2. The evaluator shall place each requirement under this category in writing and assign points.
(c) Communication/teamwork.
1. The communication/teamwork category shall identify requirements of the agency.
2. The evaluator shall place each requirement under this category in writing and assign points.
(d) Self-management.
1. The self-management category shall identify requirements of the agency relating to workplace standards that shall include:
a. Attendance;
b. Punctuality;
c. Career development;
d. Responsibility; and
e. Dependability.
2. The evaluator shall place each requirement under this category in writing and assign points.
(2) The evaluator shall develop the performance plan after consultation with the employee.
(a) The employee and evaluator shall certify in writing in the performance planning section of the evaluation form that the employee has met with the evaluator and is aware of the performance plan.
(b) The next line supervisor shall certify that he or she has reviewed the duties and expectations of the employee and finds them to be reasonable and appropriate based upon the employee's job classification.
(3) Total points assigned for all four (4) categories shall equal 100 total points. The evaluator shall distribute points among the four (4) categories as follows:
(a) The job tasks category shall have a minimum of fifty (50) points designated; and
(b) The other three (3) categories shall have a minimum of five (5) points designated to each category.
(4) To obtain the point total for each category, points assigned to each job duty within each category shall be multiplied by the numerical rating provided by the evaluator, as described in Section 5(3) of this administrative regulation.
(5) Total points in all four (4) categories shall be added to obtain a final performance evaluation score.

Section 4. Performance Coaching and Feedback. (1) Modification of the performance plan may occur during the performance evaluation period if the changes are consistent with the duties reflected on an employee's position description.
(a) The employee shall be given written notice of changes to the performance plan.
(b) Changes to the performance plan shall be indicated on the evaluation form or on a supplemental sheet attached to the form.
(c) Changes to the performance plan shall be initialed and dated by the evaluator and the employee when changes become effective.
(2) A mid-year interim review and year-end interim review shall

be required during a performance year.

(a) The evaluator shall document the interim reviews.

1. Interim reviews shall not contain a rating.

2. The interim meeting section of the evaluation form shall contain comments by the evaluator for each category established in Section 3(1) of this administrative regulation.

(b) The employee and evaluator shall sign the performance evaluation form to certify that the interim reviews occurred.

(c) For consideration in the annual year evaluation, the employee may attach pertinent comments relating to the interim review within five (5) working days of the interim review meeting.

(d) The evaluator shall schedule interim reviews to discuss performance January 1 through June 30 and July 1 through December 31.

(e) The mid-year interim review shall be completed no later than July 31 after the end of the interim review period, and the year-end interim review shall be completed no later than January 31 after the end of the interim review period.

(f) Interim reviews shall document performance to justify the annual performance rating.

Section 5. Performance Evaluations and Ratings. (1) Except as provided in Section 1(4)(d) of this administrative regulation, the evaluator and the employee shall meet no later than January 31 after the performance period ends to discuss the performance ratings.

(2) Eligible employees shall be evaluated in the four (4) categories described in Section 3 of this administrative regulation.

(3) All job duties identified within the categories shall be rated on a scale of one (1) to five (5), with five (5) representing superior performance.

(4) The final performance evaluation shall consist of a defined numerical rating. Point values for the overall performance rating shall be:

(a) Outstanding: 450 to 500 points;

(b) Highly effective: 350 to 449 points;

(c) Good: 250 to 349 points;

(d) Needs Improvement: 150 to 249 points; or

(e) Unacceptable: less than 150 points.

(5) Unresolved disagreements on ratings or any aspect of the performance evaluation shall be reviewed through the reconsideration process established in Section 7 of this administrative regulation.

(6) Signatures of the evaluator, employee, and next line supervisor shall be required on the final evaluation.

(a) The next line supervisor shall sign the evaluation after it is completed, signed, and dated by the evaluator and the employee.

(b) For the purpose of evaluating or managing the performance of the evaluator, the next line supervisor's signature shall certify that he or she is aware of the evaluation and has reviewed it.

Section 6. Performance Incentives. Annual leave shall be awarded as a performance incentive at the following rates:

(1) Two (2) workdays, not to exceed sixteen (16) hours, for an "Outstanding" rating; or

(2) One (1) workday, not to exceed eight (8) hours, for a "Highly Effective" rating.

Section 7. Reconsideration and Appeal Process. (1) Within five (5) working days of the year-end interim review and annual performance evaluation meeting, an employee may attach pertinent comments relating to the year-end interim review and may request initial reconsideration of the annual performance evaluation by the evaluator.

(2) Within five (5) working days of the receipt of the request for reconsideration, the initial reconsideration shall be conducted by the evaluator.

(3) If the employee refuses to sign the form in the employee response section, the evaluation shall not be eligible for reconsideration.

(4) Within five (5) working days after the initial reconsideration by the evaluator, an employee may submit a written request for reconsideration of the evaluation by the next line supervisor. If neither the evaluator nor the next line supervisor responds to the request for reconsideration in the designated time period, the employee may submit a written request to the appointing authority for response to the request for reconsideration and compliance with this section.

(5) The next line supervisor shall:

(a) Obtain written statements from both the employee and the evaluator; or

(b) Meet individually with the employee and the evaluator.

(6) The next line supervisor shall inform both the employee and evaluator in writing of the decision no later than fifteen (15) working days after receipt of the employee's request.

(7) Within sixty (60) calendar days after an employee has received the written decision from the next line supervisor, the employee who has complied with this administrative regulation may appeal a final evaluation which has an overall rating in either of the two (2) lowest overall ratings to the Personnel Board.

Section 8. Evaluation-based Agency Action. If an employee receives an overall rating of unacceptable, the agency shall:

(1) Demote the employee to a position commensurate with the employee's skills and abilities; or

(2) Terminate the employee.

Section 9. (1) Except as requested in writing by the appointing authority and authorized by the Secretary of Personnel, all agencies shall comply with the provisions of this administrative regulation. An evaluator shall complete required performance planning, interim reviews, and annual evaluations for each eligible employee. If the Secretary of Personnel approves an exception, written justification for the decision shall be placed in the employee's personnel file.

(2) The exception decision shall be sent, in writing, to the appointing authority within ten (10) days of receiving the request for exception.

Section 10. Incorporation by Reference. (1) The "Annual Employee Performance Evaluation", January 2017, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Personnel Cabinet, 501 High Street, Third Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

THOMAS B. STEPHENS, Secretary

APPROVED BY AGENCY: May 10, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019 at 10:00 a.m. at 501 High Street, 3rd floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until 11:59 p.m. on June 30, 2019. 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: Rosemary Holbrook, Executive Director, Office of Legal Services, 501 High Street, 3rd floor, Frankfort, Kentucky 40601, phone: (502) 564-7430, fax: (502) 564-0224, email: RosemaryG.Holbrook@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Rosemary Holbrook

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the uniform employee performance evaluation system.

(b) The necessity of this administrative regulation: This regulation is necessary to establish a uniform system of annual employee evaluations for classified employees, and fulfills the secretary's statutory requirements to promulgate comprehensive regulations regarding the evaluation system.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 18A.030 requires the secretary to promulgate comprehensive administrative regulations consistent with the provisions of KRS Chapters 13A and 18A. Further, regulations which establish a uniform employee performance evaluation system are required pursuant to KRS 18A.110(1)(i) and (7)(j).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes the uniform employee performance evaluation system, and explains how it is to be administered.

(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 amendments to this administrative regulation sunset the provisions of the current paper-based evaluation system.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to transition from the current paper-based evaluation system to an electronic system. The provisions for the electronic system are established in a new, companion administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment is consistent with authority provided in KRS 18A.030 and KRS 18A.110(1)(i) and (7)(j).

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides for statutory compliance during transition to a new evaluation system.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All KRS Chapter 18A classified employees and their agencies are affected.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional action is required.

(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 additional costs anticipated to any entity identified above.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): No additional benefits will accrue.

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

(a) Initially: This regulation, as amended, is not anticipated to generate any new or additional costs.

(b) On a continuing basis: This regulation, as amended, is not anticipated to generate any new or additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This regulation, as amended, is not anticipated to generate any new or additional costs.

(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 regulation, as amended, is not anticipated to generate any new or additional fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation, as amended, is not anticipated to generate any new or additional fees.

(9) TIERING: Is tiering applied? No. This regulation, as amended, treats all impacted entities the same.

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 state agencies with classified employees covered under KRS Chapter 18A.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 18A.030 and KRS 18A.110(1)(i) and (7)(j)

(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? No revenue will be generated.

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

(c) How much will it cost to administer this program for the first year? There are no estimated additional costs to administer the amendments to this regulation.

(d) How much will it cost to administer this program for subsequent years? There are no estimated additional costs to administer the amendments to this regulation.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FINANCE AND ADMINISTRATION CABINET
Department of Revenue
(Amendment)

103 KAR 15:050. Filing dates and extensions.

RELATES TO: KRS 131.081(11), 131.170,[~~136.100, 141.042,~~]141.160, 141.170[~~, 141.300~~]

STATUTORY AUTHORITY: KRS 131.130, 141.050[~~141.042, 141.050, 141.300~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.081(11), 131.170,[~~141.042(7),~~] and 141.170 authorize the Department of Revenue to grant a taxpayer an extension of time to file a tax return[~~or to pay an installment of estimated income or limited liability entity tax~~]. This administrative regulation establishes the procedures to be used by an individual, a corporation, a pass-through entity or a fiduciary[~~or a noncorporate~~] entity to obtain an extension of time to file an income or limited liability entity tax return[~~or to pay an installment of estimated income tax for a taxable year~~].

Section 1. Definitions. (1) "Corporation" means a corporation as defined by KRS 141.010(4),[~~an S corporation as defined by KRS 141.010(25),~~] a limited liability company taxed as a corporation, or other entity taxed as a corporation for Kentucky income tax purposes.

(2) "Date prescribed by KRS[~~136.100 or~~] 141.160" means the 15th day of the fourth month
following the close of the taxable year.

(3) "Fiduciary" has the same meaning as KRS 141.010 (10).

(4) "General Partnership" is a partnership composed of only general partners, who are personally liable for the partnership debts.

(5) "Pass-through entity" has the same meaning as KRS 141.010 (21)[~~"Noncorporate entity" means a partnership, a limited liability company treated as a partnership, a trust, a fiduciary, or other entity not taxed as a corporation for Kentucky income tax purposes~~].

Section 2. An Extension of Time for Filing an Income or Limited Liability Entity Tax Return. (1) Pursuant to KRS 131.081(11) and 141.170, a taxpayer may obtain an extension of time for filing a Kentucky income or limited liability entity tax return by means of either a federal extension or a Kentucky extension.

(2) Federal extension.

(a) A taxpayer granted an extension of time for filing a federal income tax return shall be granted the same extension of the due date, except as otherwise provided in KRS 141.170(2)[~~time~~] for filing a Kentucky income or limited liability entity tax return for the same taxable year if a copy of the federal extension approval or the request for an automatic extension is attached to the Kentucky income or limited liability entity tax return when it is filed.

(b) An extension of time for filing a Kentucky income or limited liability entity tax return granted pursuant to this subsection shall be valid for the extension period granted by the Internal Revenue Service, except as otherwise provided in KRS 141.170(2), in which a corporation shall be granted an extension of seven (7) months.

(c) A copy of the federal extension shall not be mailed to the department[~~on or before the date prescribed by KRS 141.160,~~] except as provided in Section 3 of this administrative regulation.

(d) A corporation or pass-through entity shall write its Kentucky Account Number in the upper right hand corner of any federal extension submitted.

(3) Kentucky extension. A taxpayer may file an application for extension with the department, on or before the date prescribed by KRS 141.160 for filing the return.

(a) An individual, general partnership, or fiduciary[~~or a noncorporate~~] entity shall file Form 740EXT "Application for Extension of Time to File", Revenue Form 40A102.

1. An individual, general partnership, or fiduciary[~~or a noncorporate~~] entity shall state the reason for the request on the application for extension. Inability to pay the tax liability shall not be a valid reason.

2. An individual, general partnership, or fiduciary[~~or a noncorporate~~] entity shall be notified by mail if the application for extension is denied. A copy of an approved application for extension shall not be returned to the individual, general partnership, or fiduciary[~~or noncorporate~~] entity.

3. In accordance with KRS 141.170, an individual, general partnership, or fiduciary[~~or a noncorporate~~] entity shall be granted an extension of time to file for six (6) months unless the application for extension is denied.

4. In accordance with KRS 141.170, an individual outside the United States shall be granted an extension of time to file for twelve (12) months unless the application for extension is denied.

5. A copy of the signed and dated application for extension shall be attached to the income tax return when it is filed.

(b) A corporation, S-corporation, or pass-through entity shall file Form 720EXT "Extension of Time to File Kentucky Corporation/LLET Return", Revenue Form 41A720SL.

1. A corporation shall be granted an extension of time to file for seven (7) months[~~six (6) months~~].

2. A pass-through entity shall be granted an extension of time to file for six (6) months.

3. A copy of an approved application for extension shall not be returned to the corporation or pass-through entity.

4.[~~3.~~] The extension shall become valid when mailed to the department on or before the date prescribed by KRS 141.160 for filing the return.

5.[~~4.~~] The corporation or pass-through entity shall attach a copy of the signed and dated application for extension to its Kentucky income tax and LLET return when it is filed[~~"Kentucky Corporation Income Tax And LLET Return", Revenue Form 71A720, when it is filed~~].

(4) An extension of time for filing a unitary combined or elective consolidated[~~mandatory nexus consolidated~~] income tax return shall constitute an extension of time for filing for each member of the[~~affiliated~~] group.

(5) An extension of time for filing a corporation income tax return shall constitute an extension of time for filing a limited liability entity tax return for the same taxable year.

Section 3. Payment of Tax. (1) An extension of time to file an income or limited liability entity
tax return shall not constitute an extension of time to pay the tax.

(2) A taxpayer shall determine if an amount of tax remains unpaid on or before the date prescribed by KRS[~~136.100 or~~] 141.160 for filing the return.

(3) If tax remains unpaid, a payment[~~check~~] for the amount of the unpaid tax shall be submitted to the department on or before the date prescribed by KRS[~~136.100 or~~] 141.160 for filing the return along with the Kentucky extension[~~or a copy of the federal extension~~].

(4) A group filing a unitary combined or elective consolidated income and limited liability entity tax return and making a payment of tax with the application for extension shall file a Kentucky extension to ensure the proper processing of payments[~~A corporation shall write its Kentucky Account Number in the upper right hand corner of the federal extension submitted.~~

~~(5) An affiliated group filing a mandatory nexus consolidated income tax return and making a payment of tax with the application for extension shall file a Kentucky extension to ensure the proper processing of payments~~].

Section 4. Interest and Penalties. (1) Statutory interest shall be paid from the date prescribed by KRS[~~136.100 or~~] 141.160 for filing the return until the tax is paid.

(2) If the envelope bearing the return is postmarked on or before the filing date, the late filing penalty prescribed by 131.180 shall not apply.

Section 5.[~~Extension of Time to Pay Estimated Income Tax. (1) A request for an extension of time to pay an installment of estimated tax prescribed by KRS 141.042 and 141.300 shall be submitted to the Department of Revenue, 501 High Street, Frankfort, Kentucky 40601.~~

~~(2) The request shall state a basis for the extension.~~

~~(3) An extension of time to pay an installment of estimated tax shall be granted for thirty (30)~~
~~days under exceptional circumstances.~~

~~(4) Interest shall be paid from the due date of the installment of estimated tax until the tax is paid.~~

~~Section 6.~~] The forms and materials listed herein may be obtained or inspected, subject to applicable copyright law, from 8:00 a.m. until 4:30 p.m. at the Kentucky Department of Revenue, 501 High Street, Frankfort, Kentucky 40601, on the department Web site at http:\\revenue.ky.gov, or at a Kentucky Department of Revenue Taxpayer Service Center during their hours of operation.

DANIEL P. BORK, Commissioner

APPROVED BY AGENCY: May 7, 2019

FILED WITH LRC: May 7, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation will be held on June 26, 2019 at 1:00 p.m. in Room 9B, State Office Building, 501 High Street, 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 the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments will be accepted through June 30, 2019. 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: Lisa Swiger, Revenue Tax Policy/Research Consultant II, Department of Revenue, 501 High Street, Station 1, Frankfort, Kentucky 40601, phone (502) 564-9526, fax (502) 564-3874, email Lisa.Swiger@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Lisa Swiger

(1) Provide a brief summary of:

(a) What this administrative regulation does: Amends KRS 15:050 to update statutory and entity references per changes made in HB 354 of the 2019 GA.

(b) The necessity of this administrative regulation: To provide the most accurate and up to date information for Kentucky taxpayers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By ensuring that statutory revisions are incorporated into affected regulations and passed down to those affected by the change.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Correcting outdated or incorrect statutory references and language in regulations helps to decrease call volume to the department and confusion regarding the deficient information.

(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: See (1)(a).

(b) The necessity of the amendment to this administrative regulation: See (1)(b).

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Anyone wishing to know the department's policy for granting an extension of time to file a tax return or pay an installment of tax due.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: There are no required actions.

(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 costs required to comply with this change.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be less taxpayer and staff confusion by outlining the correct process to obtain an extension of time to file or pay an installment of tax due.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: There will be no additional cost to the department by filing this update.

(a) Initially: No additional costs outside current department funding will be used.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current departmental budgetary funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is needed to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees were established with this amendment.

(9) TIERING: Is tiering applied? Tiering is not applied. All taxpayers wishing to request an extension of time to file with the department will all be treated the same.

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.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 131.081, 131.130, 131.170, and 141.050.

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? No revenue will be generated by the revisions made to this administrative regulation. They are only conforming to the statutory changes made in HB 354/2019 GA as they relate to filing an extension of time to file taxes.

(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 additional costs will be incurred in the first year of this regulation being in effect.

(d) How much will it cost to administer this program for subsequent years? No additional costs will be incurred in subsequent years.

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

Revenues (+/-): $0

Expenditures (+/-): $0

Other Explanation:

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amendment)

201 KAR 2:010. Schools approved by the board.

RELATES TO: KRS 315.050

STATUTORY AUTHORITY: KRS 315.050, 315.191(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.050(1) requires the board to approve the schools or colleges of pharmacy whose curricula or course of studies are acceptable. This administrative regulation establishes the educational standards for an applicant for licensure as a pharmacist in Kentucky and identifies the acceptable and approved colleges or schools of pharmacy from which an applicant shall graduate.

Section 1. An applicant for licensure as a pharmacist, shall have graduated and received a degree in an accredited pharmacy degree program which has been approved by the Board of Pharmacy. A program shall be considered approved if the program's standards are equivalent to the minimum standards for accreditation for a similar program established by:

(1) The Accreditation[~~American~~] Council on Pharmaceutical Education[~~in~~] "Accreditation Standards and Key Elements for the Professional Program in Pharmacy Leading to the Doctor of Pharmacy Degree" or[~~(a) "Accreditation Manual for Professional Programs"; or~~

~~(b) "Accreditation Standards and Guidelines for the Professional Program in Pharmacy Leading to the Doctor of Pharmacy Degree"; or~~]

(2) The Canadian Council for Accreditation of Pharmacy Programs in "Accreditation Standards[~~and Guidelines~~] for Canadian First[~~Pharmacy~~] Professional Degree in Pharmacy Programs[~~in Canada~~]".

Section 2. An applicant for licensure as a pharmacist who shall have graduated and received a degree in a foreign pharmacy degree program, other than from a college or school accredited by the Canadian Council for Accreditation of Pharmacy Programs

shall be deemed to be a graduate of a pharmacy degree program which has been approved by the Board of Pharmacy if the applicant has obtained a Foreign Pharmacy Graduate Examination Committee Certificate through the Foreign Pharmacy Graduate Examination Committee Certification Program which is administered by the National Association of Boards of Pharmacy[~~Foundation~~].

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

(a) "Accreditation Standards and Key Elements for the Professional Program in Pharmacy Leading to the Doctor of Pharmacy Degree," January 25, 2015, Accreditation Council on Pharmaceutical Education; and[~~"Accreditation Manual for Professional Programs", 8th Edition (3rd Printing) January 1995, American Council on Pharmaceutical Education;~~]

(b) "Accreditation Standards for Canadian First Professional Degree in Pharmacy Programs", January 2018, Canadian Council for Accreditation of Pharmacy Programs.[~~"Accreditation Standards and Guidelines for the Professional Program in Pharmacy Leading to the Doctor of Pharmacy Degree," June 14, 1997, American Council on Pharmaceutical Education; and~~

~~(c) "Accreditation Standards and Guidelines for Pharmacy Professional Degree Programs in Canada", Revised January 1998, Canadian Council for Accreditation of Pharmacy Programs.~~]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300,[~~1024 Capital Center Drive, Suite 210,~~] Frankfort, Kentucky 40601-8204, Monday through Friday 8 a.m. to 4:30 p.m.

LARRY HADLEY, R.Ph., Executive Director

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019 at 9:00 a.m. Eastern Time at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Larry Hadley, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Larry.Hadley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Larry Hadley

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for the special limited pharmacy permit clinical practice.

(b) The necessity of this administrative regulation: KRS 315.191(1)(a) authorizes the Board of Pharmacy to promulgate administrative regulations with minimum requirements for the permitting of those entities that provide non-dispensing pharmacy services. This administrative regulation establishes the requirements for the special limited pharmacy permit clinical practice.

(c) How this administrative regulation conforms to the content of the authorizing statues: This administrative regulation establishes the requirements for the special limited pharmacy permit clinical practice.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Retitle this regulation and cleanup language to be consistent with other special pharmacy permit regulations.

(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: Retitle this regulation; Retitle this regulation and cleanup language to be consistent with other special pharmacy permit regulations.

(b) The necessity of the amendment to this administrative regulation: The criteria needed to be updated.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by retitling this regulation and cleanup language to be consistent with other special pharmacy permit regulations.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates pharmacies and pharmacists will be affected minimally by this regulation amendment.

(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: Pharmacies and pharmacists will have to familiarize themselves with amended language. The board will help to educate pharmacists and pharmacies in these changes.

(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 expected costs for the identities to comply with the amendment. As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment will clarify previous statutory language.

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and sponsors that desire approval for continuing education credit.

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 Board of Pharmacy will be the only entity impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation

that requires or authorizes the action taken by the administrative regulation. KRS 315.191(1)(a).

(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? This administrative regulation will not generate revenue for the Board in the first year.

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

(c) How much will it cost to administer this program for the first year? No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No costs are required to administer this program for subsequent years.

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

Revenues (+/-): 0

Expenditures (+/-): 0

Other Explanation:

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amendment)

201 KAR 2:090. Reference material and prescription equipment.

RELATES TO: KRS Chapter 315

STATUTORY AUTHORITY: KRS 315.035(6), 315.19(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.035(6) authorizes the Board of Pharmacy to promulgate administrative regulations regarding reference material and equipment suitable for pharmaceutical practice. This administrative regulation establishes the minimum reference material and equipment required for pharmaceutical practice.

Section 1.(1) The pharmacy shall have appropriate reference material and equipment as dictated by experience to meet the needs of the particular pharmacy, and necessary to practice pharmacy in a safe manner.

(2) Electronic references shall be acceptable.[~~A pharmacy located within the Commonwealth that receives a pharmacy permit shall be required to maintain at least one (1) current reference from each of the following categories:~~

~~(a) Category I - Pharmacology;~~

~~(b) Category II - Drug Interactions;~~

~~(c) Category III - Drug Product Composition; and~~

~~(d) Category IV - State and Federal Laws and Regulations.~~

~~(2) References shall be relevant to the professional practice of pharmacy at the permitted pharmacy.~~

~~(3) Electronic references shall be acceptable if the information is readily retrievable such that the pharmacist is not required to exit the dispensing program to obtain information from the electronic references. The existence of drug information on the Internet and the mere ability of the pharmacist to connect to the Internet shall not be sufficient to meet the requirements of this administrative regulation.~~

~~Section 2. (1) The following shall be deemed as minimum equipment required of a pharmacy:~~

~~(a) A prescription balance with a sensitivity not less than that of a Class 3 balance;~~

~~(b) Weights - metric or apothecary - complete set;~~

~~(c) Graduates capable of accurately measuring from 1 ml to 250 ml;~~

~~(d) Mortars and pestles - glass, porcelain, or Wedgewood;~~

~~(e) Spatulas - steel and nonmetallic;~~

~~(f) Filtration funnel with filter papers;~~

~~(g) A heating unit;~~

~~(h) Suitable refrigeration unit for proper storage of drugs; and~~

~~(i) Ointment slab or ointment papers.~~

~~(2) All equipment shall be maintained in a clean condition.~~

~~Section 3. The pharmacy shall have other reference material and equipment as dictated by experience to meet the needs of the particular pharmacy and necessary to compound and dispense in a safe manner.~~

~~Section 4. A pharmacy may be granted an exemption to required reference material and prescription equipment upon written petition to the board.~~

~~Section 5. The prescription counter upon which prescriptions are dispensed shall be used for the prime purpose of dispensing prescriptions. All pharmacies shall comply with all sanitation laws and administrative regulations.~~]

LARRY HADLEY, Executive Director

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019, at 9:00 a.m. Eastern Time at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Larry Hadley, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Larry.Hadley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Larry Hadley

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the minimum reference material and equipment required for pharmaceutical practice.

(b) The necessity of this administrative regulation: KRS 315.0353(6) authorizes the Board of Pharmacy to promulgate administrative regulations regarding reference material and equipment suitable for pharmaceutical practice.

(c) How this administrative regulation conforms to the content of the authorizing statues: This administrative regulation establishes the minimum reference material and equipment required for pharmaceutical practice.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Remove Sections 1, 2, 4, 5/amend Section 3 to be non-specific.

(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: Remove specific language for reference material and equipment to require pharmacies to only have reference material

and equipment to meet the needs of their practice of pharmacy and add language to allow for electronic references.

(b) The necessity of the amendment to this administrative regulation: The criteria needed to be updated.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.002 and 315.005 authorize the Board to regulate the practice of pharmacy. KRS 315.191 authorizes the Board to promulgate administrative regulations pertaining to pharmacists and pharmacies. KRS 315.0353(6) authorizes the Board of Pharmacy to promulgate administrative regulations regarding reference material and equipment suitable for pharmaceutical practice.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by providing the most accurate and up to date information regarding accreditation agencies.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Board anticipates pharmacies and pharmacists might be minimally effected by this amendment.

(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: Pharmacies and pharmacists will have to familiarize themselves with new amended language. The Board will help to educate pharmacists and pharmacies in these changes.

(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 expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation establishes the minimum reference material and equipment required for pharmaceutical practice.

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and sponsors that desire approval for continuing education credit.

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 Board of Pharmacy will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 315.035(6).

(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? This administrative regulation will not generate revenue for the Board in the first year.

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

(c) How much will it cost to administer this program for the first year? No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No costs are required to administer this program for subsequent years.

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

Revenues (+/-): 0

Expenditures (+/-): 0

Other Explanation:

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amendment)

201 KAR 2:095. Pharmacist interns. [~~Dispensing responsibilities.~~]

RELATES TO: KRS 315.010(19), (25), 315.020, 315.050

STATUTORY AUTHORITY: KRS 315.020(4), 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(a) requires the board to promulgate administrative regulations necessary to regulate and control the practice of pharmacists. This administrative regulation establishes the professional responsibilities of a pharmacist and a pharmacist intern under supervision.

Section 1. A[~~Pursuant to KRS 315.020(4), a~~] pharmacist intern may[~~shall perform professional acts within the~~] practice[~~of~~] pharmacy under the[~~immediate~~] supervision and direction of a licensed[~~registered~~] pharmacist.

Section 2. A pharmacist shall be responsible for all the actions of a pharmacist intern.[~~intern who has successfully completed his first professional year coursework of a Bachelor's of Science in Pharmacy or Doctor of Pharmacy degree program at an accredited school or college of pharmacy may, at the discretion of the supervising pharmacist, engage in delegated acts of professional practice pursuant to supervision as defined by KRS 315.010(25).~~

~~Section 3. A pharmacist shall be responsible for all the actions of the pharmacist intern.~~]

LARRY A. HADLEY, R.Ph., Executive Director

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019, at 9:00 a.m. Eastern Time at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted

through June 30, 2019. 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: Larry Hadley, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Larry.Hadley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Larry Hadley

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the professional responsibilities of a pharmacist and a pharmacist intern under supervision.

(b) The necessity of this administrative regulation: KRS 315.191(1)(a) requires the board to promulgate administrative regulations necessary to regulate and control the practice of pharmacists. This administrative regulation establishes the professional responsibilities of a pharmacist and a pharmacist intern under supervision.

(c) How this administrative regulation conforms to the content of the authorizing statues: This administrative regulation establishes the professional responsibilities of a pharmacist and a pharmacist intern under supervision.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Remove Sections 1, 2. Change title to better reflect the intended purpose.

(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: Retitle this regulation to better reflect the intent: Pharmacist Interns. Clean up language and change wording from immediate supervision to supervision.

(b) The necessity of the amendment to this administrative regulation: The criteria needed to be updated.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.002 and 315.005 authorize the board to regulate the practice of pharmacy. KRS 315.191 authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies. KRS 315.191(1)(a) authorizes the Board of Pharmacy to promulgate administrative regulations regarding reference material and equipment suitable for pharmaceutical practice.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by establishing the professional responsibilities of a pharmacist and a pharmacist intern under supervision.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates pharmacies and pharmacists will be impacted by the amended language.

(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: Pharmacies and pharmacists will have to familiarize themselves with new amended language of the regulation. The board will help to educate pharmacists and pharmacies in these changes.

(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 expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question three (3) This administrative regulation establishes the professional responsibilities of a pharmacist and a pharmacist intern under supervision.

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and sponsors that desire approval for continuing education credit.

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 Board of Pharmacy will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 315.191(1)(a).

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? This administrative regulation will not generate revenue for the board in the first year.

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

(c) How much will it cost to administer this program for the first year? No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No costs are required to administer this program for subsequent years.

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

Revenues (+/-): 0

Expenditures (+/-): 0

Other Explanation:

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amendment)

201 KAR 2:100. Security and control of drugs and prescriptions.

RELATES TO: KRS Chapter 315

STATUTORY AUTHORITY: KRS 315.035, 315.191(1)

NECESSITY, FUNCTION, AND CONFORMITY: The Kentucky Board of Pharmacy is authorized by KRS 315.191(1) to adopt rules and administrative regulations necessary to regulate and control pharmacists and pharmacies. This administrative regulation is to assure adequate security and control of drugs and prescriptions.

Section 1. (1) A pharmacy shall:[~~must~~]

(a) Provide adequate security and control of its controlled substances and prescription legend drugs. and

(b) Be closed[~~and~~] in the absence of a pharmacist[~~the pharmacy must be closed~~].

(2) If a pharmacy is located within a larger establishment which is open to the public for business at times when a pharmacist is not present then the pharmacy shall[~~must~~] be fully enclosed by "a"[~~floor to ceiling~~] partitions[~~partition~~] which shall[~~may~~] be either solid, [~~or~~] solid transparent, or chain linked secured by lock from other departments of the store. In the absence of a pharmacist such pharmacies shall[~~must~~] be locked and secured. No person shall[~~Employees of the establishment cannot~~] be authorized to enter the closed pharmacy during those hours when a pharmacist is not present.[~~Owners of prescription departments, which are to be closed at times the merchandise area of the same establishment remains open, must request permission from the Kentucky Board of Pharmacy, submit a detailed plan of the prescription department barrier and obtain written approval before enclosing the prescription department.~~]

Section 2. All prescription files, all legend drugs and other items which are restricted to sale either by or under the personal supervision of a pharmacist shall[~~must~~] be kept in the pharmacy area.

Section 3. Written prescription orders and refill requests can be delivered to a pharmacy at any time. But if no pharmacist is present then the prescription[~~order(s)~~] orders shall[~~must~~] be deposited, by the patient or his agent delivering the prescription order or refill request to the establishment, into a "mail slot" or "drug box" such that the prescription order is stored in the pharmacy area.

Section 4. Prepared prescription medications shall be stored in the pharmacy and cannot be removed from the pharmacy unless the pharmacist is present and the removal is for the immediate delivery to the patient, person picking up the prescription for the patient, or person delivering the prescription to the patient at his residence or similar place.[~~Emergency drugs shall be available throughout a hospital as deemed necessary by the pharmacist and under the overall control of the pharmacist. A night drug cabinet shall be maintained for the provision of emergency drugs in the absence of a pharmacist.~~

~~Section 5. It shall be regarded as unprofessional conduct under KRS 315.121(1)(f) for any pharmacist or employer of pharmacists to refrain from reporting to the board a pharmacist who:~~

~~(1) Has been convicted of a misdemeanor of felony which involved acts that bear directly on the qualifications or ability of the applicant or licensee to practice pharmacy; or~~

~~(2) Commits fraud or deceit in procuring or attempting to procure a license to practice pharmacy; or~~

~~(3) Negligently or willfully acts in a manner inconsistent with the practice of pharmacy or willfully repeatedly violates any provisions of this chapter; or~~

~~(4) Has a license to practice as a pharmacist denied, limited, suspended, probated or revoked in another jurisdiction on grounds sufficient to cause a license to be denied, limited, suspended, probated or revoked in this Commonwealth; or~~

~~(5) Is practicing pharmacy without a current active license issued by the board.~~]

LARRY A. HADLEY, R.Ph., Executive Director

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019, at 9:00 a.m. Eastern Time at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Larry Hadley, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Larry.Hadley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Larry Hadley

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation is to assure adequate security and control of drugs and prescriptions.

(b) The necessity of this administrative regulation: KRS 315.191(1)(a) requires the board to promulgate administrative regulations necessary to regulate and control the practice of pharmacists. This administrative regulation is to assure adequate security and control of drugs and prescriptions.

(c) How this administrative regulation conforms to the content of the authorizing statues: This administrative regulation is to assure adequate security and control of drugs and prescriptions.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Clean up language for clarity. Address security issues of pharmacies located within larger establishments. Remove sections not related to this regulation and duplicated elsewhere.

(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: Retitle this regulation to better reflect the intent: Clean up language for clarity. Address security issues of pharmacies located within larger establishments. Remove sections not related to this regulation and duplicated elsewhere.

(b) The necessity of the amendment to this administrative regulation: The criteria needed to be updated.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.002 and 315.005 authorize the board to regulate the practice of pharmacy. KRS 315.191 authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies. KRS 315.191(1)(a) authorizes the Board of Pharmacy to promulgate administrative regulations regarding reference material and equipment suitable for pharmaceutical practice.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by Clean up language for clarity. Address security issues of pharmacies located within larger establishments. Remove sections not related to this regulation and duplicated elsewhere.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates pharmacies and pharmacists will be affected minimally by this regulation amendment.

(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: Pharmacies and pharmacists will have to familiarize themselves with amended language. The board will help to educate pharmacists and pharmacies in these changes.

(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 expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation is to assure adequate security and control of drugs and prescriptions.

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and sponsors that desire approval for continuing education credit.

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 Board of Pharmacy will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 315.191(1)(a).

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? This administrative regulation will not generate revenue for the board in the first year.

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

(c) How much will it cost to administer this program for the first year? No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No costs are required to administer this program for subsequent years.

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

Revenues (+/-): 0

Expenditures (+/-): 0

Other Explanation:

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amendment)

201 KAR 2:116. Substitution of drugs, biologics and biosimilar products.[~~Drug products with therapeutic problems.~~]

RELATES TO: KRS 217.819

STATUTORY AUTHORITY: KRS 217.814(5), (6), (7), (8), 217.819(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217.819 directs the Kentucky Board of Pharmacy to prepare a drug product formulary of drugs which should not be interchanged by pharmacists. This administrative regulation references[~~lists~~] drug products with active ingredients or dosage forms that are deemed interchangeable. All other products not referenced as interchangeable are deemed non-interchangeable[~~with potential bioequivalence problems, drugs characteristically possessing a narrow therapeutic index, or categories of agents for which there is either documented evidence of inequivalent therapeutic effect or a potential for it based on differences in bioavailability~~].

Section 1. The following have been determined by the board to be interchangeable [~~noninterchangeable~~]:

drugs, drug products, or dosage formulations considered by the United States Food and Drug Administration[~~not~~] to be therapeutically equivalent as published in the "Approved Drug Products with Therapeutic Equivalence Evaluations" (Orange Book).

biologics drugs, biologics drug products, or biologics dosage formulations considered by the United States Food and Drug Administration to be therapeutically equivalent as published in the "Lists of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations" (Purple Book).[~~Section 2. The following have been determined by the board to be noninterchangeable unless the United States Food and Drug Administration considers them therapeutically equivalent as published in the "Approved Drug Products with Therapeutic Equivalence Evaluations":~~

~~(1) Digitalis glycosides;~~

~~(2) Antiepileptic drugs;~~

~~(3) Antiarrhythmic agents;~~

~~(4) Conjugated estrogens;~~

~~(5) Esterified estrogens;~~

~~(6) Warfarin anticoagulants;~~

~~(7) Theophylline products; and~~

~~(8) Thyroid preparations.~~]

Section 2[~~3~~]. "Approved Drug Products with Therapeutic Equivalence Evaluations," (Orange Book)[~~11th Edition, 1991~~], U.S. Food and Drug Administration and "Lists of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations" (Purple Book), United States Food and Drug Administration are[~~is~~] incorporated by reference.

LARRY A. HADLEY, R.Ph., Executive Director

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019, at 9:00 a.m. Eastern Time at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Larry Hadley, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Larry.Hadley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Larry Hadley

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation references drug products that are deemed interchangeable. All other products not referenced as interchangeable are deemed non-interchangeable.

(b) The necessity of this administrative regulation: KRS 217.819 directs the Kentucky Board of Pharmacy to prepare a drug product formulary of drugs which should not be interchanged by pharmacists. This administrative regulation references drug products that are deemed interchangeable. All other products not referenced as interchangeable are deemed non-interchangeable.

(c) How this administrative regulation conforms to the content of the authorizing statues: This administrative regulation references drug products that are deemed interchangeable. All other products not referenced as interchangeable are deemed non-interchangeable.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Retitle this regulation to better reflect the language: Substitution of drugs, biologics and biosimilar products and clean up language for clarity.

(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: Retitle this regulation to better reflect the intent: Retitle this regulation to better reflect the language: Substitution of drugs, biologics and biosimilar products and clean up language for clarity. Update referenced materials.

(b) The necessity of the amendment to this administrative regulation: The criteria needed to be updated.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.002 and 315.005 authorize the board to regulate the practice of pharmacy. KRS 315.191 authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies. KRS 217.819 directs the Board of Pharmacy to promulgate administrative regulations regarding reference material and equipment suitable for pharmaceutical practice.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by retitling this regulation to better reflect the language: Substitution of drugs, biologics and biosimilar products and clean up language for clarity.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates pharmacies and pharmacists will be affected minimally by this regulation amendment.

(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: Pharmacies and pharmacists will have to familiarize themselves with amended language. The board will help to educate pharmacists and pharmacies in these changes.

(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 expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation references drug products that are deemed interchangeable. All other products not referenced as interchangeable are deemed non-interchangeable.

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and sponsors that desire approval for continuing education credit.

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 Board of Pharmacy will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 217.819

(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? This administrative regulation will not generate revenue for the board in the first year.

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

(c) How much will it cost to administer this program for the first year? No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No costs are required to administer this program for subsequent years.

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

Revenues (+/-): 0

Expenditures (+/-): 0

Other Explanation:

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amendment)

201 KAR 2:165. Transfer of prescription information.

RELATES TO: KRS 217.215(2), 315.191(1)(f)

STATUTORY AUTHORITY: KRS 217.215(2), 315.191(1)(a), (f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(f) authorizes the Board of Pharmacy to promulgate administrative regulations to control the transfer of prescription drug orders between pharmacists and pharmacies. This administrative regulation establishes the procedures by which a prescription may be transferred between pharmacies in the Commonwealth or between a pharmacy and an establishment located in a state or United States Territory or District outside the Commonwealth and similarly credentialed as a pharmacy by that state or U.S. Territory or District for the purpose of dispensing.

Section 1. (1) The transfer of prescription information for any noncontrolled substance prescription for the purpose of new or refill dispensing may occur if:

(a) It is orally communicated directly between two (2) pharmacists or pharmacist interns in the Commonwealth or between a pharmacist and an individual located in a state or U.S. Territory or District outside the Commonwealth and similarly credentialed as a pharmacist by that state or U.S. Territory or District;

(b) It is made through an online real-time computer system that provides documentation of the presence of a pharmacist or an individual located in a state or U.S. Territory or District outside the Commonwealth and similarly credentialed as a pharmacist by that state or U.S. Territory or District when the information is transferred;

(c) It is made through the use of a facsimile machine and all the information required by this administrative regulation is provided to the sending and receiving pharmacist or an individual located in a state or U.S. Territory or District outside the Commonwealth and similarly credentialed as a pharmacist by that state or U.S. Territory or District; or

(d) It is made through the use of voice recording technology and all information required by this administrative regulation is provided to the sending and receiving pharmacist or an individual located in a state or U.S. Territory or District outside the Commonwealth and similarly credentialed as a pharmacist by that state or U.S. Territory or District.

(2) If in the Commonwealth the transferring pharmacist shall record the following information:

(a) That the prescription is void;

(b) The name and address of the pharmacy or the establishment located in a state or U.S. Territory or District outside the Commonwealth that is similarly credentialed as a pharmacy by that state or U.S. Territory or District to which it was transferred and the name of the pharmacist or the individual located in a state or U.S. Territory or District outside the Commonwealth that is similarly credentialed as a pharmacist by that state or U.S. Territory or District receiving the prescription information; and

(c) The date of the transfer and the name of the pharmacist transferring the information.

(3) If in the Commonwealth the pharmacist receiving the transferred prescription shall record the following information:

(a) That the prescription is a transfer;

(b) The date of issuance of the original prescription;

(c) The refill authorization on the original prescription;

(d) The date of original dispensing, if applicable;

(e) The refill authorization remaining and the date of the last refill if applicable;

(f) The name and address of the pharmacy or the establishment located in a state or U.S. Territory or District outside the Commonwealth that is similarly credentialed as a pharmacy by that state or U.S. Territory or District and the original prescription number from which the prescription was transferred; and

(g) The name of the transferor pharmacist or the individual located in a state or U.S. Territory or District outside the Commonwealth that is similarly credentialed as a pharmacist by that state or U.S. Territory or District.

(4) Both the original prescription and the transferred prescription shall be maintained for a period of five (5) years from the date of the last refill.

(5) Pharmacies electronically accessing the same prescription record shall satisfy all information of a manual mode for a prescription transfer.

Section 2. The transfer of prescription information for a controlled substance prescription, except a Schedule II controlled substance, for the purpose of refill dispensing may occur if the transfer complies with the requirements of 21 C.F.R. 1306.25.

Section 3. Violation of a provision of this administrative regulation may[~~shall~~] constitute unethical or unprofessional conduct in accordance with KRS 315.121(2)(d), (f), and (g).

LARRY A. HADLEY, R.Ph., Executive Director

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019, at 9:00 a.m. Eastern Time at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Larry Hadley, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Larry.Hadley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Larry Hadley

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures by which a prescription may be transferred between pharmacies in the Commonwealth or between a pharmacy and an establishment located in a state or United States Territory or District outside the Commonwealth and similarly credentialed as a pharmacy by that state or U.S. Territory or District for the purpose of dispensing.

(b) The necessity of this administrative regulation: KRS 315.191(f) authorizes the Board of Pharmacy to promulgate administrative regulations to control the transfer of prescription drug orders between pharmacists and pharmacies. This administrative regulation establishes the procedures by which a prescription may be transferred between pharmacies in the Commonwealth or between a pharmacy and an establishment located in a state or United States Territory or District outside the Commonwealth and similarly credentialed as a pharmacy by that state or U.S. Territory or District for the purpose of dispensing.

(c) How this administrative regulation conforms to the content of the authorizing statues: This administrative regulation establishes the procedures by which a prescription may be transferred between pharmacies in the Commonwealth or between a pharmacy and an establishment located in a state or United States Territory or District outside the Commonwealth and similarly credentialed as a pharmacy by that state or U.S. Territory or District for the purpose of dispensing.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Clean up language and add wording to allow for transfer of new non-controlled prescriptions.

(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: Clean up language and add wording to allow for transfer of new non-controlled prescriptions. The necessity of the amendment to this administrative regulation: The criteria needed to be updated.

(b) How the amendment conforms to the content of the authorizing statutes: KRS 315.002 and 315.005 authorize the board to regulate the practice of pharmacy. KRS 315.191 authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies. KRS 315.191(f) directs the Board of Pharmacy to promulgate administrative regulations regarding reference material and equipment suitable for

pharmaceutical practice.

(c) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by cleaning up language and add wording to allow for transfer of new non-controlled prescriptions.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates pharmacies and pharmacists will be affected minimally by this regulation amendment.

(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: Pharmacies and pharmacists will have to familiarize themselves with amended language. The board will help to educate pharmacists and pharmacies in these changes.

(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 expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation establishes the procedures by which a prescription may be transferred between pharmacies in the Commonwealth or between a pharmacy and an establishment located in a state or United States Territory or District outside the Commonwealth and similarly credentialed as a pharmacy by that state or U.S. Territory or District for the purpose of dispensing.

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and sponsors that desire approval for continuing education credit.

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 Board of Pharmacy will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 315.191(f).

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? This administrative regulation will not generate revenue for the board in the first year.

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

(c) How much will it cost to administer this program for the first year? No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No costs are required to administer this program for subsequent years.

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

Revenues (+/-): 0

Expenditures (+/-): 0

Other Explanation:

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amendment)

201 KAR 2:225. Special limited pharmacy permit – Medical gas.

RELATES TO: KRS 217.015(5)(a), 315.010(9), 315.020, 315.035, 315.191(1)(a)

STATUTORY AUTHORITY: KRS 315.020, 315.035, 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation establishes, consistent with the requirements of KRS 315.191(1)(a), minimum requirements for the permitting of those entities that distribute medical gases[~~gasses~~].

Section 1. Definitions.

(1) "Medical gases" means gases (including liquefied gases) classified by FDA as drugs or devices that are used for medical applications and which may be stored and administered through the use of Medical Gas Related Equipment, which may or may not be required under Federal or State law for the immediate container to bear the label, "Rx only" or "Caution: Federal or State law prohibits dispensing without a prescription."

(2) "Special limited pharmacy permits" means a permit issued to a pharmacy that provides miscellaneous specialized pharmacy service and functions.[~~(2) "Medical gasses" means oxygen United States Pharmacopoeia and nitrous oxide.~~]

Section 2. General Requirements. (1)(a) An applicant for a special limited pharmacy permit for medical gases[~~gasses~~] shall comply with the requirements of 201 KAR 2:180, except Section 5 and 201 KAR 2:205, except that the pharmacist-in-charge designated on the special permit shall be exempt from the requirements of 201 KAR 2:205, Section 2(2).

(b) Effective January 1, 2010 the pharmacist-in-charge shall review the records and do an onsite visit of the special limited pharmacy permit - [~~for~~] medical gas[~~gasses~~] not less than once each quarter.

(2) Effective January 1, 2010 an applicant for a special limited pharmacy permit for medical gases[~~gasses~~] shall prepare and adopt a policy and procedures manual that sets forth a detailed description of how the:

(a) Operation will comply with applicable federal, state, or local laws or administrative regulations; and

(b) Licensee will maintain the premises so that the medical gas[~~gasses~~] remain secure and comply with applicable compendial monographs of official pharmacopoeias specified by KRS 217.015(5)(a).

(3) An applicant for a special limited pharmacy permit for medical gas[~~gasses~~] shall be inspected by the board prior to the issuance of the license.

Section 3. Qualifications for License. (1) The board shall consider the following in reviewing the qualifications of an applicant for a special limited pharmacy permit for medical gas[~~medicinal~~

~~gasses~~]:

(a) The applicant's experience in the sale or distribution of prescription drugs, including controlled substances;

(b) A felony conviction of the applicant under federal, state, or local laws;

(c) The furnishing by the applicant of false or fraudulent material in a previous application for:

1. A special limited pharmacy permit for medical gases[~~gasses~~]; or

2. A federal or state medical assistance program;

(d) Suspension or revocation of an applicant's license or permit by federal, state, or local government; and

(e) Compliance with requirements under a previously granted license or permit.

(2) The board shall deny an application for a special limited pharmacy permit for medical gases[~~gasses~~], if an applicant has:

(a) Been convicted for a violation of federal, state, or local laws relating to:

1. The practice of pharmacy;

2. Drugs; or

3. Federal or state medical assistance programs.

(b) Furnished false or fraudulent material in the application for a special limited pharmacy permit for medical gas[~~gasses~~];

(c) Failed to maintain or make available required records to the:

1. Board; or

2. Federal, state, or local law enforcement officials;

(d) Failed to comply with applicable federal, state, and local laws and regulations relating to medical gas[~~gasses~~]; or

(e) Failed to provide appropriate land, buildings, and security necessary to properly carry on the business described in his application.

Section 4. License Fees; Renewals. An applicant shall submit:

(1) Effective January 1, 2020 an initial or renewal application for a special limited pharmacy permit – medical gases[~~for medicinal gasses~~] on either the "Application for Special Limited Pharmacy Permit[~~to Operate A Pharmacy In Kentucky~~"]- Medical Gas or the "Application for Special Limited Pharmacy Permit – Medical Gas Renewal"; and

(2) As appropriate, the:

(a) Initial application fee established by Section 1(10), 201 KAR 2:050; or

(b) Renewal fee established by Section 1(11), 201 KAR 2:050.

Section 5. Incorporation by Reference. (1) The following material[~~"Application for Permit to Operate A Pharmacy In Kentucky (11/92)"~~] is incorporated by reference:[~~.~~]

(a) "Application for Special Limited Pharmacy Permit – Medical Gas" dated May 2019, and

(b) "Application for Special Limited Pharmacy Permit – Medical Gas Renewal" dated May 2019.

(2) This form may be obtained, inspected, or copied, subject to applicable copy right law, at the Kentucky Board of Pharmacy, 125 Holmes Street[~~1024 Capital Center Drive~~], Suite 300[~~210~~], Frankfort, Kentucky 40601-8204, 8 a.m. to 4:30 p.m., Monday through Friday.

LARRY A. HADLEY, R.Ph., Executive Director

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019, at 9:00 a.m. Eastern Time at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Larry Hadley, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Larry.Hadley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Larry Hadley

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for the special limited pharmacy permit clinical practice.

(b) The necessity of this administrative regulation: KRS 315.191(1)(a) authorizes the Board of Pharmacy to promulgate administrative regulations with minimum requirements for the permitting of those entities that provide non-dispensing pharmacy services. This administrative regulation establishes the requirements for the special limited pharmacy permit clinical practice.

(c) How this administrative regulation conforms to the content of the authorizing statues: This administrative regulation establishes the requirements for the special limited pharmacy permit clinical practice.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Retitle this regulation and cleanup language to be consistent with other special pharmacy permit regulations.

(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: Retitle this regulation and cleanup language to be consistent with other special pharmacy permit regulations.

(b) The necessity of the amendment to this administrative regulation: The criteria needed to be updated.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by retitling this regulation and cleanup language to be consistent with other special pharmacy permit regulations.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates pharmacies and pharmacists will be affected minimally by this regulation amendment.

(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: Pharmacies and pharmacists will have to familiarize themselves with amended language. The board will help to educate pharmacists and pharmacies in these changes.

(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 expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment will clarify previous statutory language.

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and sponsors that desire approval for continuing education credit.

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 Board of Pharmacy will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 315.191(1)(a).

(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? This administrative regulation will not generate revenue for the board in the first year.

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

(c) How much will it cost to administer this program for the first year? No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No costs are required to administer this program for subsequent years.

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

Revenues (+/-): 0

Expenditures (+/-): 0

Other Explanation:

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amendment)

201 KAR 2:240. Special limited pharmacy permit - charitable[~~pharmacy~~].

RELATES TO: KRS 315.035

STATUTORY AUTHORITY: KRS 315.020, 315.030, 315.035, 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.020, 315.030, and 315.191(1)(a) requires the board to promulgate administrative regulations to prescribe the criteria for obtaining a pharmacy permit to dispense legend drugs and the procedures for the safe dispensing of legend drugs to citizens of the Commonwealth. This administrative regulation identifies the manner and procedure by which a charitable organization can be permitted to obtain a pharmacy permit and dispense legend drugs in the Commonwealth.

Section 1. Definitions. (1) "Charitable organization" means an organization qualified as a charitable organization pursuant to Section 501(c)(3) of the Internal Revenue Code.

(2) "Legend drug sample" means an unopened package of a manufacturer's legend drug product that has been distributed to either a practitioner or the charitable pharmacy in accordance with the provisions of the Prescription Drug Marketing Act of 1987.

(3) "Qualified indigent patient" means a patient of the charitable pharmacy that has been screened and approved by the charitable organization as meeting the organization's mission of providing pharmaceutical care to those who are without sufficient funds to obtain needed legend drugs.

(4) "Special limited pharmacy permit" means a permit issued to a pharmacy that provides miscellaneous specialized pharmacy service and functions.

Section 2. (1) A charitable pharmacy:

Shall comply with all pharmacy permit requirements except those specifically exempted by the board pursuant to paragraph (b) of this subsection; and

May petition the board in writing to be exempted from those pharmacy permit requirements that do not pertain to the operation of that charitable pharmacy.

The charitable pharmacy only shall dispense prescription legend drug samples or prescription legend drugs to qualified indigent patients of the pharmacy.

The charitable pharmacy shall not charge any fee for the dispensing of prescription legend drug samples or prescription legend drugs to qualified indigent patients of the pharmacy.

A charitable pharmacy may accept prescription legend drugs in their unbroken original packaging from pharmacies, wholesalers, or manufacturers, provided appropriate records of receipt and dispensing are maintained.

A charitable pharmacy shall not:

Accept controlled substances from pharmacies, wholesalers, or manufacturers; or

Dispense controlled substances.

A pharmacy that requests a special limited pharmacy permit - charitable[~~pharmacy permit~~] shall submit to the board for prior approval, a plan describing the method by which the charitable pharmacy and the pharmacy will maintain a separate and distinct prescription drug stock. The failure of either pharmacy to follow the plan shall result in revocation of the special limited pharmacy permit – charitable and the pharmacy permit.

Section 3. License Fees; Renewals. An applicant shall submit:

(1) An initial or renewal application for a special limited pharmacy permit - charitable pharmacy on either the "Application for Special Limited Pharmacy Permit - Charitable Pharmacy or the "Application for Special Limited Pharmacy Permit - Charitable Pharmacy Renewal"; and

(2) As appropriate, the:

(a) Initial application fee established by Section 1(9), 201 KAR 2:050; or

(b) Renewal fee established by Section 1(10-11), 201 KAR 2:050.

Section 4. Incorporation By Reference. (1) The following material is incorporated by reference:

(a) Effective January 1, 2020 "Application for Special Limited Pharmacy Permit - Charitable Pharmacy"; and

(b) Effective January 1, 2020 "Application for Special Limited Pharmacy Permit - Charitable Pharmacy Renewal".

(2) This form may be obtained, inspected, or copied subject to applicable copyright law at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, Frankfort, Kentucky 40601, 8 a.m. to 4:30 p.m., Monday through Friday.

LARRY A. HADLEY, R.Ph., Executive Director

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019, at 9:00 a.m. Eastern Time at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Larry Hadley, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Larry.Hadley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Larry Hadley

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation identifies the manner and procedure by which a charitable organization can be permitted to obtain a pharmacy permit and dispense legend drugs in the Commonwealth.

(b) The necessity of this administrative regulation: KRS 315.020, 315.030, and 315.191(1)(a) requires the board to promulgate administrative regulations to prescribe the criteria for obtaining a pharmacy permit to dispense legend drugs and the procedures for the safe dispensing of legend drugs to citizens of the Commonwealth. This administrative regulation identifies the manner and procedure by which a charitable organization can be permitted to obtain a pharmacy permit and dispense legend drugs in the Commonwealth.

(c) How this administrative regulation conforms to the content of the authorizing statues: This administrative regulation identifies the manner and procedure by which a charitable organization can be permitted to obtain a pharmacy permit and dispense legend drugs in the Commonwealth.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Retitle this regulation to be consistent with other special limited pharmacy regulations and also add wording to make this permit separate from pharmacy permits. Direct staff to establish a unique pharmacy permit numbering system, initial application and renewal application.

(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: Retitle this regulation to be consistent with other special limited pharmacy regulations and also add wording to make this permit separate from pharmacy permits. Direct staff to establish a unique pharmacy permit numbering system, initial application and renewal application.

(b) The necessity of the amendment to this administrative regulation: The criteria needed to be updated.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.020 and 315.030 authorize the board to regulate the practice of pharmacy. KRS 315.191 authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies. KRS 315.191(1)(a) directs the Board of Pharmacy to promulgate administrative regulations regarding reference material and equipment suitable for pharmaceutical practice.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by providing the most accurate and up to date information.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates pharmacies and pharmacists will be affected minimally by this regulation amendment.

(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: Pharmacies and pharmacists will have to familiarize themselves with amended language. The board will help to educate pharmacists and pharmacies in these changes.

(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 expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment will clarify previous statutory language.

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and sponsors that desire approval for continuing education credit.

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 Board of Pharmacy will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 315.191(1)(a).

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? This administrative regulation will not generate revenue for the board in the first year.

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

(c) How much will it cost to administer this program for the first year? No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No costs are required to administer this program for subsequent years.

Note: If specific dollar estimates cannot be determined, provide

a brief narrative to explain the fiscal impact of the administrative regulation. N/A

Revenues (+/-): 0

Expenditures (+/-): 0

Other Explanation:

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amendment)

201 KAR 2:270. Expungement.

RELATES TO: KRS 315.121(6), 315.191(1)(a)

STATUTORY AUTHORITY: KRS 315.121(6), 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations relating to pharmacists. KRS 315.121(6) requires the board to promulgate administrative regulations to establish violations that are considered minor and subject to expungement. This administrative regulation establishes the violations considered minor and the criteria and procedure for expungement.

Section 1. Definition. "Expungement" means that:

(1) The affected records shall be sealed;

(2) The proceedings to which they refer shall be deemed not to have occurred; and

(3) The affected party may properly represent that no record exists regarding the matter expunged.

Section 2. Minor Violations and Expungement Procedure. (1) The following violations are to be considered minor in nature:

(a) Any unlicensed, unregistered or unpermitted practice occurring no more than seven (7) days after the expiration of the license, registration or permit due to failure to timely renew a license, registration or permit;[~~Failure to timely renew a license or permit;~~]

(b) Failure to timely obtain required continuing education; and

(c) Failure to comply with any provisions of 201 KAR 2:106 for pharmacy, manufacturer, or distributor closures.[~~timely obtain required HIV/AIDS continuing education.~~]

(2) Effective January 1, 2020, a licensee, registrant or permit holder[~~pharmacist~~] seeking expungement of a record of a disciplinary action resulting from a violation designated in subsection (1) of this section shall, in accordance with KRS 315.121(6):

(a) Not have been the subject of a subsequent violation of the same nature for a period of three (3) years after the date of completion of disciplinary sanctions imposed for the violation sought to be expunged; and

(b) Submit a written request to the board.

(3) The board shall consider each request and shall, if the conditions of subsection (2) of this section are satisfied, expunge every record under its custody relating to the subject disciplinary order.

LARRY A. HADLEY, R.Ph., Executive Director

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019, at 9:00 a.m. Eastern Time at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Larry Hadley, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Larry.Hadley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Larry Hadley

(1) Provide a brief summary of:

(a)What this administrative regulation does: This administrative regulation establishes the violations considered minor and the criteria and procedure for expungement.

(b) The necessity of this administrative regulation: KRS 315.121(6) authorizes the board to promulgate administrative regulations relating to pharmacists. KRS 315.121(6) requires the board to promulgate administrative regulations to establish violations that are considered minor and subject to expungement. This administrative regulation establishes the violations considered minor and the criteria and procedure for expungement.

(c) How this administrative regulation conforms to the content of the authorizing statues: This administrative regulation establishes the violations considered minor and the criteria and procedure for expungement.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Update language to include licensees, registrants and permit holders. Restrict expungement of disciplinary action resulting from failure to renew to those occurrences within 7 days after the expiration date. Allow expungement of disciplinary action due to failure to notify Board of facility closure.

(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: Retitle this regulation; Update language to include licensees, registrants and permit holders. Restrict expungement of disciplinary action resulting from failure to renew to those occurrences within 7 days after the expiration date. Allow expungement of disciplinary action due to failure to notify Board of facility closure.

(b) The necessity of the amendment to this administrative regulation: The criteria needed to be updated.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.191 authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies. KRS 315.121(6) requires the board to promulgate administrative regulations to establish violations that are considered minor and subject to expungement.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by Restrict expungement of disciplinary action resulting from failure to renew to those occurrences within 7 days after the expiration date. Allow expungement of disciplinary action due to failure to notify Board of facility closure.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates pharmacies and pharmacists will be affected minimally by this regulation amendment.

(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: Pharmacies and pharmacists will have to familiarize themselves with amended language. The board will help to educate pharmacists and pharmacies in these changes.

(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 expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment will clarify previous statutory language. .

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and sponsors that desire approval for continuing education credit.

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 Board of Pharmacy will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 315.121(6).

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? This administrative regulation will not generate revenue for the board in the first year.

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

(c) How much will it cost to administer this program for the first year? No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No costs are required to administer this program for subsequent years.

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

Revenues (+/-): 0

Expenditures (+/-): 0

Other Explanation:

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amendment)

201 KAR 2:310. Compounding for a veterinarian's [~~practitioner~~] office or institutional administration for veterinary use.

RELATES TO: KRS 315.191(1)(a).

STATUTORY AUTHORITY: KRS 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(a) requires the board to promulgate administrative regulations to regulate and control all matters relating to pharmacists, pharmacist interns, pharmacy technicians, and pharmacies. This administrative regulation addresses compounding for use by a veterinarian's[~~practitioner~~] office, administration or institutional administration for veterinary use.

Section 1. A pharmacist, pharmacist intern, or pharmacy technician may prepare a compounded drug for a veterinarian's[~~practitioner~~] office administration or institutional administration for veterinary use.

Section 2. A compounded drug that contains a controlled substance shall not be compounded for office or institutional administration for veterinary use.

Section 3. The pharmacist shall receive a written, verbal, facsimile, or electronic request for a compounded drug from a practitioner, indicating the formulation, strength, and quantity ordered.

Section 4. Label Requirements. A label shall be generated for the compounded drug and shall include:

(1) The name of the practitioner;

(2) The designated name and strength of the compounded drug;

(3) The quantity dispensed;

(4) A lot or batch number of the compounded drug;

(5) The beyond use date for the compounded drug;

(6) The date the compounded is dispensed;

(7) The pharmacy's name, address, and telephone number;

(8) Any special storage requirements;

(9) A notation stating "For Office or Institutional administration for veterinary use Only-Do Not Dispense[~~to Patient~~];

(10) Any auxiliary label required for the compounded drug.

Section 5. The compounded drug shall be administered in the veterinarian's[~~practitioner~~] office or institution and shall not be dispensed[~~to the patient~~].

Section 6. The prescription for the compounded drug shall be kept pursuant to 201 KAR 2:170.

LARRY A. HADLEY, R.Ph., Executive Director

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019, at 9:00 a.m. Eastern Time at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Larry Hadley, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Larry.Hadley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Larry Hadley

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation addresses compounding for use by a veterinarian's office administration or institutional administration for veterinary use.

(b) The necessity of this administrative regulation: KRS 315.191(1)(a) requires the board to promulgate administrative regulations to regulate and control all matters relating to pharmacists, pharmacist interns, pharmacy technicians, and pharmacies. This administrative regulation addresses compounding for use by a veterinarian's office administration or institutional administration for veterinary use.

(c) How this administrative regulation conforms to the content of the authorizing statues: This administrative regulation addresses compounding for use by a veterinarian's office administration or institutional administration for veterinary use.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Retitle this regulation to Compounding for a veterinarian's office or institutional administration for veterinary use. Update language to restrict this practice to veterinary use.

(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: Retitle this regulation; Retitle this regulation to Compounding for a veterinarian's office or institutional administration for veterinary use. Update language to restrict this practice to veterinary use.

(b) The necessity of the amendment to this administrative regulation: The criteria needed to be updated.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.191 authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by updated language to restrict this practice to veterinary use.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates pharmacies and pharmacists will be affected minimally by this regulation amendment.

(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: Pharmacies and pharmacists will have to familiarize themselves with amended language. The board will help to educate pharmacists and pharmacies in these changes.

(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 expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment will clarify previous statutory language. .

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and sponsors that desire approval for continuing education credit.

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 Board of Pharmacy will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 315.191(1)(a).

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? This administrative regulation will not generate revenue for the board in the first year.

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

(c) How much will it cost to administer this program for the first year? No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No costs are required to administer this program for subsequent years.

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

Revenues (+/-): 0

Expenditures (+/-): 0

Other Explanation:

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amendment)

201 KAR 2:340. Special limited pharmacy permit - [~~for~~]clinical practice.

RELATES TO KRS 315.010(9), 315.020, 315.035, 315.191(1)(a)

STATUTORY AUTHORITY: KRS 315.035, 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.035 authorizes the Board of Pharmacy issue a permit to a pharmacy. KRS 315.191(1)(a) authorizes the Board of Pharmacy to promulgate administrative regulations with minimum requirements for the permitting of those entities that provide non-dispensing pharmacy services. This administrative regulation establishes the requirements for the Special limited pharmacy permit - [~~for~~]Clinical practice.

Section 1. Definitions. (1)[~~Definition.~~] "Special limited pharmacy permits[~~permit for clinical practice~~]" means: a permit issued to a pharmacy that provides miscellaneous specialized pharmacy service and functions[~~maintains patient records and other information for the purpose of engaging in the practice of pharmacy and does not dispense prescription drug orders~~].

(2) "Special limited pharmacy permit - clinical practice" means a permit issued to a pharmacy that maintains patient records and other information for the purpose of engaging in the practice of pharmacy and does not dispense prescription drug orders.

Section 2. General Requirements. (1) An applicant for a special limited pharmacy permit - [~~for~~]clinical practice shall:

(a) Prepare and adopt a policy and procedure manual that is updated annually;

(b) Maintain pharmacy references as outlined in 201 KAR 2:090;

(c) Maintain a physical pharmacy address;

(d) Designate a Pharmacist-in-Charge (PIC) without a required minimum number of hours of physical presence;

(e) Maintain patient records for five (5) years in a manner that shall provide adequate safeguard against improper manipulation or alteration of the records; a computer malfunction or data processing services' negligence is not a defense against the charges of improper recordkeeping; and

(f) Maintain patient records by establishing:

1. A patient record system to be maintained for patients for whom non-dispensing pharmacy services and functions are being performed;

2. A procedure for obtaining, recording, and maintaining information required for a patient record by a pharmacist, pharmacist intern, or pharmacy technician; and

3. A procedure for a patient record to be readily retrievable by manual or electronic means.

(2) An applicant for a special limited pharmacy permit - [~~for~~]clinical practice shall be exempt from the following:

(a) Prescription equipment requirements of 201 KAR 2:090, Section 2;

(b) Pharmacy sanitation requirements of 201 KAR 2:180; and

(c) Security and control of drugs and prescriptions requirements of 201 KAR 2:100, Sections 1, 2, 3, and 4.

Section 3. Pharmacy Closure. The permit holder shall provide notification to the board "fifteen (15)"[~~thirty 30~~] days prior to permanent pharmacy closure.

Section 4. License Fees; Renewals. An applicant shall submit:

(1) An initial or renewal application for a special limited pharmacy permit - [~~for~~]clinical practice on either the Application for Special Limited Pharmacy Permit - [~~for~~]Clinical Practice or the Application for Special Limited Pharmacy Permit - [~~for~~]Clinical Practice Renewal; and

(2) As appropriate, the:

(a) Initial application fee established by 201 KAR 2:050, Section 1(9); or

(b) Renewal application fee established by 201 KAR 2:050, Section 1(10).

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

(a) Effective January 1, 2020 "Application for Special Limited Pharmacy Permit - [~~for~~]Clinical Practice"[~~, Form 1, 5/2012~~]; and

(b) Effective January 1, 2020 "Application for Special Limited Pharmacy Permit - [~~for~~]Clinical Practice Renewal"[~~, Form 2, 5/2012~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, State Office Building Annex, Suite 300, 125 Holmes Street, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.

LARRY A. HADLEY, R.Ph., Executive Director

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019, at 9:00 a.m. Eastern Time at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Larry Hadley, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Larry.Hadley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Larry Hadley

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes consistent with the requirements of KRS 315.191(1)(a) minimum requirements for the permitting of those entities that distribute medical gases.

(b) The necessity of this administrative regulation: KRS 315.191(1)(a) authorizes the Board of Pharmacy to promulgate administrative regulations to control the transfer of prescription drug orders between pharmacists and pharmacies. This administrative regulation establishes consistent with the requirements of KRS 315.191(1)(a) minimum requirements for the permitting of those entities that distribute medical gases.

(c) How this administrative regulation conforms to the content of the authorizing statues: This administrative regulation establishes consistent with the requirements of KRS 315.191(1)(a) minimum requirements for the permitting of those entities that distribute medical gases.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Retitle this regulation to be specific to medical gas. Cleanup language and update references and add wording to require onsite quarterly inspections by the pharmacist consultant.

(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: Retitle this regulation to be specific to medical gas. Cleanup language and update references and add wording to require onsite quarterly inspections by the pharmacist consultant. Change all references of special pharmacy permit to special limited pharmacy permit. Change all references of special pharmacy permit for medical gasses to special limited pharmacy permit – medical gas.

(b) The necessity of the amendment to this administrative regulation: The criteria needed to be updated.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.002 and 315.005 authorize the board to regulate the practice of pharmacy. KRS 315.191 authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies. KRS 315.191(1)(a) directs the Board of Pharmacy to promulgate administrative regulations regarding reference material and equipment suitable for pharmaceutical practice.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by cleaning up language and update references and add wording to require onsite quarterly inspections by the pharmacist consultant. Change all references of special pharmacy permit to special limited pharmacy permit.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates pharmacies and

pharmacists will be affected minimally by this regulation amendment.

(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: Pharmacies and pharmacists will have to familiarize themselves with amended language. The board will help to educate pharmacists and pharmacies in these changes.

(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 expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation establishes consistent with the requirements of KRS 315.191(1)(a) minimum requirements for the permitting of those entities that distribute medical gases.

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and sponsors that desire approval for continuing education credit.

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 Board of Pharmacy will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 315.191(1)(a).

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? This administrative regulation will not generate revenue for the board in the first year.

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

(c) How much will it cost to administer this program for the first year? No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No costs are required to administer this program for subsequent years.

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

Revenues (+/-): 0
Expenditures (+/-): 0
Other Explanation:

BOARDS AND COMMISSIONS
Board of Licensure for Long-Term Care Administrators
(Amendment)

201 KAR 6:030. Temporary permits.

RELATES TO: KRS 12.357; 216A.070(4)

STATUTORY AUTHORITY: KRS 12.357; 216A.070(3), (4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(3) authorizes the Board of Licensure for Long-term Care Administrators to promulgate administrative regulations necessary for the proper performance of its duties. KRS 216A.070(4) authorizes the board to promulgate administrative regulations concerning the issuance of a temporary permit to an individual to practice the art of long-term care administration. KRS 12.357 requires administrative bodies who issue licenses to issue temporary licenses or certificates to the spouses of active duty military members of the Armed Services of the United States within thirty (30) days if the spouse meets the statutory requirements and applies in a format promulgated in administrative regulation. This administrative regulation establishes the requirements for issuance of a temporary permit for Long-term Care Administrators.

Section 1. Temporary Permits Issued to Fill Emergency Vacancies. (1) The Department of Professional Licensing may, following consultation with a board member, issue a temporary permit to practice as a long-term care[~~nursing home~~] administrator[~~shall be granted by the Office of Occupations and Professions~~] to an applicant if:

(a) The applicant has submitted an Application for Licensure, form KBLTCA-1, incorporated by reference in 201 KAR 6:040 [~~applied for licensure under the provisions of KRS Chapter 216A~~];

(b) The applicant has completed all of the requirements established in 201 KAR 6:020 except the examination required pursuant to 201 KAR 6:020, Section 1(2), and the management experience required by 201 KAR 6:020, Section 1(3);

(c) The facility where the applicant is to be employed as the administrator is without a licensed administrator; and

(d) The facility owner, or a duly authorized representative of the facility, provides a written request and supporting information to the board indicating that an emergency situation exists.

(2) An emergency situation shall exist if:

(a)[~~1.~~] The facility is without a licensed long-term care administrator; and

(b)[~~2.~~] A licensed long-term care administrator is not available to fill the position.

(3)[~~(2)~~] The request for temporary permit shall include payment of the temporary permit fee [~~as~~] established in 201 KAR 6:060, Section 3.[~~(3) A temporary permit shall be subject to review by the board at the meeting immediately following issuance of the temporary permit. The board shall revoke the temporary permit if it does not comply with KRS 216.070(4) or this administrative regulation.~~]

Section 2. Temporary Permits Issued to Spouses of Active Military Members. (1) The spouse of an active military duty member of the Armed Forces of the United States may apply for a temporary permit at any time.

(2) The Department of Professional Licensing shall, following consultation with a board member, issue a temporary permit to practice as a long-term care administrator to the spouse of an active military member within thirty (30) days of receipt of the Application for Licensure, form KBLTCA-1, incorporated by reference in 201 KAR 6:040, requesting a temporary permit if:

(a) The applicant has completed all of the requirements established in 201 KAR 6:020 except the examination required pursuant to 201 KAR 6:020, Section 1(2), and the management experience required by 201 KAR 6:020, Section 1(3);

(b) The applicant has provided proof they are married to an active duty member of the Armed Services of the United States;

(c) The applicant has provided proof that the applicant holds a valid license or certificate for the profession issued by another state, the District of Columbia, or any possession or territory of the United States;

(d) The applicant has provided proof that the applicant's spouse is assigned to a duty station in this Commonwealth pursuant to the spouse's official active duty military orders; and

(e) The applicant has paid the temporary permit fee established in 201 KAR 6:060, Section 3.

Section 3. Restrictions on Temporary Permits. (1) A temporary permit shall not be transferred to another individual.

(2) A temporary permit shall, in accordance with KRS 216.070(4) or KRS 12.357:

(a) Be effective for no longer than six (6) months from the date it was granted; and

(b) Not be renewed by the permit holder.

(3) The holder of a temporary permit issued pursuant to Section 1 of this administrative regulation[~~holder~~] may be relocated to another location if an emergency exists at that location during the period in which the permit is effective and a separate request for a declaration of emergency is filed and approved by the board pursuant to Section 1(1)(d) of this administrative regulation.

(4) An individual shall not be granted a temporary permit more than once during a five (5) year period.

(5) A temporary permit shall not authorize the individual to whom the permit was issued to manage more than one (1) facility at the same time.

(6) All temporary permits shall be subject to review by the board at the meeting immediately following issuance of the permit. The board shall revoke a temporary permit that does not satisfy the requirements of KRS 216.070(4), KRS 12.357, or this administrative regulation.

GREG WELLS, Chairman

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on June 26, 2019 at 911 Leawood 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 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 through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Elizabeth Wells, Board Administrator, 911 Leawood Drive, Frankfort, Kentucky 40601, phone 502-782-8818, fax 502-564-4818, email LTCA@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Elizabeth Wells

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation authorizes the Department of Professional Licensing, following consultation with a board member, to issue a temporary permit in two situations. The temporary permit may be issued in response to an emergency situation in which a long-term care facility currently does not have a licensed long-term care administrator and is unable to locate a licensed long-term care administrator to fill the vacancy, or it may be issued to the spouse of an active military member of the United States Armed Forces notwithstanding the absence of an emergency situation.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to comply with the provisions of KRS 216A.070(4) and KRS 12.357.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation is authorized by KRS 216A.070(4) and KRS 12.357.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist with the issuance of temporary permits which are authorized to be issued pursuant to KRS 216A.070(4) and KRS 12.357.

(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 provides a mechanism for the spouses of active military members to obtain a temporary permit so that they may begin employment while seeking full licensure. The amendment also clarifies that a duly authorized representative of a long-term care facility may provide proof of an emergency situation in addition to the owner of the facility.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide a mechanism for the spouses of active military members to obtain a temporary permit so that they may begin employment while seeking full licensure. The amendment also clarifies that a duly authorized representative of a long-term care facility may provide proof of an emergency situation in addition to the owner of the facility.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 216A.070(4) and KRS 12.357 specifically authorize this amendment.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist the board in reviewing and issuing temporary permits to the spouses of active military members of the United States Armed Services.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation effects all long-term care facilities in need of a long-term care administrator due to an emergency vacancy that is unable to be filled and the spouses of active military members of the United States Armed Services who are currently licensed as long-term care administrators in another state or U.S. territory seeking employment as a long-term care administrator in Kentucky.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Individuals applying for a temporary permit must fill out the Application and Checklist for Licensure and pay the temporary permit fee of $175. Applicants seeking to fill an emergency vacancy at a long-term care facility must provide proof of the emergency vacancy. Applicants seeking a temporary permit due to their recent move to Kentucky as the result of their active duty military spouse's military orders must provide proof of marriage to an active duty military member and proof of valid licensure from another state or U.S. territory.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Individuals seeking a temporary permit must pay $175. This fee is not increased from previous regulation.

(c) As a result of compliance, what benefits will accrue to the entities: Spouses of active military members of the United States Armed Services will benefit by immediately obtaining a permit authorizing them to continue their employment as a long-term care administrator after moving to Kentucky as a result of their spouse's military orders. Applicants seeking to fill an emergency vacancy will also benefit from clear language that either a duly authorized representative of a long-term care facility or the owner of the facility may provide proof of an emergency vacancy.

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

(a) Initially: There are no anticipated costs to implement this amendment initially.

(b) On a continuing basis: There are no anticipated costs to implement this amendment on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funding necessary to implement this administrative regulation will come from licensing fees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will not be an increase in fees associated with the implementation of this administrative regulation. However, because a new type of temporary permit is now authorized, a commensurate fee is also associated with the new type of temporary permit. This amendment increases the scope of people authorized to obtain a temporary permit, but does not raise the fee already associated with a temporary permit.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation indirectly establishes fees which are directly referenced in 201 KAR 6:060.

(9) TIERING: Is tiering applied? Because this administrative regulation treats all regulated individuals the same, tiering is not applied.

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? Kentucky Board of Licensure for Long-Term Care Administrators

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 216A.070(4) and KRS 12.357.

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The board anticipates this administrative regulation will generate revenue below $1,000 in its 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? The board anticipates this administrative regulation will generate revenue below $1,000 in subsequent years.

(c) How much will it cost to administer this program for the first year? There are no costs to administer this administrative regulation in its first year.

(d) How much will it cost to administer this program for subsequent years? There are no costs to administer this administrative regulation for subsequent years.

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

Revenues (+/-): Increase.

Expenditures (+/-): Neutral

Other Explanation: The Board does expect a small increase in revenue by authorizing a new class of applicants to obtain a temporary permit. However, it is unclear how many applicants will use this temporary permit procedure in addition to applying for licensure by endorsement, which is already authorized.

BOARDS AND COMMISSIONS
Board of Licensure for Long-Term Care Administrators
(Amendment)

201 KAR 6:040. Renewal, reinstatement, and reactivation of license.

RELATES TO: KRS 36.450, 216A.080, 216A.090, 42 U.S.C. 1396(g)

STATUTORY AUTHORITY: KRS 216A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(3) authorizes the Board of Licensure for Long-term Care Administrators to promulgate administrative regulations necessary for the proper performance of its duties. KRS 216A.090 requires the holder of a license to renew that license biennially and authorizes the board to refuse renewal for failure to comply with KRS Chapter 216A or the administrative regulations promulgated thereunder. This administrative regulation establishes the requirements and procedures for renewal, late renewal, inactive licensure, and reinstatement[~~of a license~~].

Section 1. License Renewal. (1) A license shall be renewed every two (2) years from date of issue or from date of last renewal. To apply for renewal, a licensee shall:

(a) Submit a completed Renewal Form[~~to the board~~];[~~and~~]

(b) Pay[~~to the board~~] the appropriate renewal fee established in 201 KAR 6:060; and

(c) Provide proof he or she has completed the continuing education requirements established in 201 KAR 6:070, Section 10[~~for the renewal of a license~~].

(2) A licensee may renew the license within sixty (60) days of the renewal date by submitting a completed Renewal Form to the board and[~~A sixty (60) day grace period shall be allowed after the renewal date, during which time a licensee may continue to practice and may renew the license upon~~] payment of the late renewal fee established in 201 KAR 6:060. During this sixty (60) day grace period, a licensee may continue to practice as a long-term care administrator.

(3)[~~(a)~~] Except as provided by KRS 36.450, a license not renewed by the end of the sixty (60) day grace period shall expire and the licensee shall not practice in the Commonwealth[~~terminate based on the failure of the licensee to renew in a timely manner.~~

~~(b) Upon termination, the licensee shall not practice in the Commonwealth.~~

~~(3) A license shall be inactive if:~~

~~(a) The board receives a written request seeking inactive status from the licensee;~~

~~(b) A licensee pays to the board the inactive licensee fee established in 201 KAR 6:060 for an inactive license;~~

~~(c) The grace period established in subsection (2) of this section has not expired; and~~

~~(d) The license is in good standing when the inactive status request is received.~~

~~(4)(a) After the sixty (60) day grace period, in order to apply for reinstatement, an individual with a terminated license shall submit a completed Application for licensure and pay the reinstatement fee established in 201 KAR 6:060.~~

~~(b) A person who applies for reinstatement after expiration of a license shall not be required to meet current licensure requirements, except those established in 201 KAR 6:070, Section 10, if reinstatement application is made within two (2) years from the date of expiration.~~

~~(5)(a) In order to apply for reactivation, an individual with an inactive license shall submit a completed Application for Licensure accompanied by the reactivation fee established in 201 KAR 6:060.~~

~~(b) An individual who has continuously maintained inactive status and who makes application to return to active status shall not be required to meet current licensure requirements except those established by 201 KAR 6:070, Section 10.~~

~~(6) A licensee who fails to reinstate a license within two (2) years after its termination shall not have it renewed, restored, reissued, or reinstated. A person may apply for and obtain a new license by meeting the current requirements for licensure~~

~~established in KRS 216A.080 and 201 KAR Chapter 6.~~

~~(7) A suspended license shall be subject to expiration and termination and shall be renewed as provided in this administrative regulation. Renewal shall not entitle the licensee to engage in the practice until the suspension has ended, or is otherwise removed by the board and the right to practice is restored by the board.~~

~~(8) A revoked license shall be subject to expiration or termination and shall not be renewed. If it is reinstated, the licensee shall pay the reinstatement fee established in subsection (4)(a) of this section and the renewal fee established in subsection (1) of this section.~~

~~(9) A licensee applying for renewal, late renewal, or reinstatement of licensure shall show evidence of completion of continuing education as established by 201 KAR 6:070.~~

~~(10) An inactive licensee shall renew his or her inactive license biennially by submitting an application on the Renewal Form and submitting payment of the fee established in 201 KAR 6:060~~].

Section 2. Voluntary Inactivation of License. (1) To voluntarily request a license in good standing be placed in inactive status, a licensee shall:

(a) Request inactive status, in writing or through the e-services licensee portal; and

(b) Pay the inactive licensee fee established in 201 KAR 6:060;

(2) A license in inactive status shall expire two (2) years following the date it became inactive unless the licensee renews his or her inactive license biennially by submitting the Renewal Form and submitting payment of the appropriate fee established in 201 KAR 6:060.

Section 3. Expiration Pending Disciplinary Action. (1) A licensee that allows his or her license to expire pursuant to Section 1(3) of this administrative regulation while the licensee is the subject of a complaint as defined in 201 KAR 6:090 shall result in the license expiring in bad standing.

(2) A license that has expired in bad standing shall not be reinstated unless the licensee agrees to submit to the complaints procedure established in 201 KAR 6:090 and responds to the complainant's allegations of misconduct that occurred prior to the license expiring in bad standing. Following the complaints procedure established in 201 KAR 6:090, the board may deny reinstatement of the license on the basis that the complainant's allegations have been sustained, the acts constitute a violation of KRS Chapter 216A or the administrative regulations promulgated thereunder, and that refusal to reinstate the license is an appropriate penalty.

(3)(a) Any person whose license has expired in bad standing may submit a written and signed petition to the board requesting that their licensing file be amended to reflect the person's license expired in good standing and voluntarily submit to the complaint procedure established in 201 KAR 6:090.

(b) Upon receiving a written petition from a person whose license expired in bad standing, and following the complaints procedure established in 201 KAR 6:090, the board shall issue a final order that:

1. Dismisses the underlying complaint and amends the person's licensing file to reflect the license expired in good standing; or

2. Makes findings that the underlying complaint has been substantiated by a preponderance of the evidence and imposes discipline as authorized by KRS 216A.070(1)(f).

(4) The board may, upon the request from a professional licensing board of another state pursuant to the requesting state's laws permitting the transfer or endorsement of a Kentucky long-term care administrator's license, provide the requesting professional licensing board a copy of the full investigative file of the complaint and a statement that the licensee allowed his or her license to expire in bad standing prior to the board fully adjudicating the complaint. The board shall not provide its opinion regarding the merits of the complaint unless the person has voluntarily submitted to the complaints process established in 201 KAR 6:090.

Section 4. Reinstatement of License. (1) To apply for reinstatement of a license expired in good standing, a licensee shall, within two (2) years from the date of expiration:

(a) Submit a completed Application for Licensure;

(b) Pay the reinstatement fee established in 201 KAR 6:060; and

(c) Provide proof he or she has completed the continuing education requirements established in 201 KAR 6:070, Section 10.

(2) A license shall not be reinstated if the board does not receive the application for reinstatement within two (2) years of the date the license expired. A licensee whose license has been expired for more than two (2) years may apply for a new license pursuant to 201 KAR 6:020.

Section 5. Reactivation of License. (1) To apply for reactivation of a license voluntarily placed in inactive status pursuant to Section 2 of this administrative regulation, a licensee shall, within two (2) years from the date of inactive status:

(a) Submit a completed Application for Licensure;

(b) Pay the reactivation fee established in 201 KAR 6:060; and

(c) Provide proof he or she has met the continuing education requirements pursuant to 201 KAR 6:070, Section 10.

(2) A license shall not be reactivated if the board does not receive the Application for Licensure within two (2) years of the date the license was either placed in inactive status or renewed in inactive status pursuant to Section 2 subsection (2) of this administrative regulation.

Section 6. Renewal of a Suspended License. (1) To apply for renewal of a license suspended following the complaints procedure established in 201 KAR 6:090, a licensee shall renew his or her license in accordance with Section 1 of this administrative regulation, notwithstanding the fact that the suspension period has not been fully served at the time of renewal.

(2) Renewal shall not entitle the licensee to engage in the practice until the suspension has ended, or is otherwise removed by the board or a court of competent jurisdiction and the right to practice is restored by the board.

Section 7. Renewal or Reinstatement of a Revoked License Prohibited. (1) A license that has been revoked by the board following the complaints procedure established in 201 KAR 6:090 shall not be renewed or reinstated.

(2) Two (2) years after the date a person's license has been revoked by the board the person may apply for licensure as a new applicant pursuant to 201 KAR 6:020.

(3) The board may deny a new application by a person whose license has been revoked pursuant to KRS 216A.080(1)(c).

(4) If the board denies an application by a person whose license has been revoked pursuant to this section of this administrative regulation, the applicant may appeal the board's decision and request a hearing pursuant to KRS Chapter 13B to provide proof that he or she is of good moral character and is otherwise suitable to practice as a long-term care administrator notwithstanding his or her previously revoked license.

Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Renewal Form", March 2014; and

(b) "Application for Licensure", May 2019[~~January 2014~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Long-Term Care Administrators, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

GREG WELLS, Chairman

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on June 26, 2019 at 911 Leawood 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 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 through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Elizabeth Wells, Board Administrator, 911 Leawood Drive, Frankfort, Kentucky 40601, phone 502-782-8818, fax 502-564-4818, email LTCA@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Elizabeth Wells

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation provides procedures for renewal and reinstatement of a license, placing a license in inactive status and reactivating it, consequences for permitting a license to expire while the licensee is the subject of a disciplinary action, remedies for permitting a license to expire while the licensee is the subject of a disciplinary action, and for reapplying for a license following license revocation by the board.

(b) The necessity of this administrative regulation: This regulation is necessary to establish procedures for renewal and reinstatement of a license, placing a license in inactive status and reactivating it, consequences for permitting a license to expire while the licensee is the subject of a disciplinary action, remedies for permitting a license to expire while the licensee is the subject of a disciplinary action, and for reapplying for a license following license revocation by the board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 216A.090 requires a licensee to renew their license biennially. KRS 216A.070(1) requires the board to establish procedures to ensure licensees continue to meet the required standards to ensure long-term care administrators are of good moral character and are otherwise suitable to serve as long-term care administrators. KRS 216A.070(3) authorizes the board to promulgate administrative regulations necessary to carry out its statutory duties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist the board with adequately monitoring licensed long-term care administrators to ensure they are meeting their continuing education requirements and responding to allegations of misconduct.

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

(a) How the amendment will change this existing administrative regulation: This amendment creates a new licensing status - expiration in bad standing. Currently, the board has no ability to take action against a licensee who has avoided answering to allegations of misconduct by permitting their license to expire and moving to another state to practice as a long-term care administrator. In the board's experience, when other states request information about a person's Kentucky long-term care administrator license the state requests whether disciplinary action has actually been imposed. The board believes the fact that disciplinary action has not been imposed due to a licensee's avoidance should be communicated to other state professional licensing boards to provide a more complete picture of the person's history with the board. This amendment creates an internal mechanism to document licensees who have avoided answering to complaints of misconduct, prevents the reinstatement or issuance of a license to a person who has avoided the disciplinary process, and provides procedures for those individuals to voluntarily submit to the complaints process to adjudicate complaints. This amendment also corrects the illogical conclusion that a revoked license can be reinstated. This amendment makes clear that license revocation is a permanent act and that a person whose license has been revoked must follow a separate procedure to reobtain a valid license. Finally, this amendment makes stylistic changes to provide clarity regarding the separate procedures that apply to renewal, reinstatement, inactivation and reactivation of a license.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary because currently the board can only communicate to another state board that no disciplinary action has been imposed against a licensee even though this statement may not accurately reflect the licensee's history with the board. This new licensure status will also provide a clearer internal documentation record that a person has a pending disciplinary action against them and their Kentucky license should not be reinstated until the person answers to the allegations. It is also necessary to clarify that a revoked license cannot be reinstated and a person whose license has been revoked must follow a separate procedure to reobtain a valid license. Finally, the stylistic changes are necessary to provide clarity regarding the separate procedures that apply to renewal, reinstatement, inactivation and reactivation of a license.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 216A.070(1) requires the board to establish procedures to ensure licensees continue to meet the required standards to ensure long-term care administrators are of good moral character and are otherwise suitable to serve as long-term care administrators. KRS 216A.070(3) authorizes the board to promulgate administrative regulations necessary to carry out its statutory duties.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist the administration of KRS Chapter 216A because currently the board can only communicate to another state board that no disciplinary action has been imposed against a licensee even though this statement may not accurately reflect the licensee's history with the board. This new licensure status will also provide a clearer internal documentation record that a person has a pending disciplinary action against them and their Kentucky license should not be reinstated until the person answers to the allegations. It is also necessary to clarify that a revoked license cannot be reinstated and a person whose license has been revoked must follow a separate procedure to reobtain a valid license. Finally, the stylistic changes are necessary to provide clarity regarding the separate procedures that apply to renewal, reinstatement, inactivation and reactivation of a license.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect all Kentucky licensed long-term care administrators.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: The regulated individuals will be required to renew their licenses biennially in accordance with KRS 216A.090 by paying the appropriate fee and submitting proof they have completed the required continuing education requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: The regulated individuals will incur the biennial renewal fee of $125. This fee remains unchanged from previous regulation and the regulated individuals will not face costs in excess of what they faced under previous law.

(c) As a result of compliance, what benefits will accrue to the entities: The regulated individuals will benefit from clear procedures regarding the different procedures available to reinstate their expired license, answer pending allegations of misconduct, and the option to voluntarily place their license in inactive status.

(5) Provide an estimate of how much it will cost the

administrative body to implement this administrative regulation:

(a) Initially: There are no anticipated costs associated with enforcing this amendment initially.

(b) On a continuing basis: There are no anticipated costs associated with enforcing this amendment on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Revenue from licensing fees will be the source of funding to implement and enforce this administrative regulation. The board will not require any additional funding to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees associated with this amendment. The fees referred to in this regulation remain the same as they were under previous regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation indirectly establishes fees which are referenced in 201 KAR 6:060. However, this amendment does not establish new or an increase in fees from previous regulation.

(9) TIERING: Is tiering applied? Because this administrative regulation treats all regulated individuals the same, tiering is not applied.

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? Kentucky Board of Licensure for Long-Term Care Administrators

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 216A.070; KRS 216A.090

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Based on licensing data from 2018, this regulation will generate approximately $53,550 in renewal, reinstatement, inactivation, and reactivation fees. This amendment will not affect projected revenues from the fees.

(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 licensing data from 2018, this regulation will generate approximately $53,550 in renewal, reinstatement, inactivation, and reactivation fees each year. This amendment will not affect projected revenues from the fees.

(c) How much will it cost to administer this program for the first year? There are no additional costs associated with implementing this regulation. Costs are limited to employee time reviewing and processing licensure applications. This amendment will not affect this analysis.

(d) How much will it cost to administer this program for subsequent years? There are no additional costs associated with implementing this regulation. Costs are limited to employee time reviewing and processing licensure applications. This amendment will not effect this analysis.

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: This amendment will not change the amount of revenue generated for the board by the licensing fees established in this administrative regulation; 201 KAR 6:060 establishes the amounts of these fees.

GENERAL GOVERNMENT CABINET
Board of Nursing
(Amendment)

201 KAR 20:370. Applications for licensure.

RELATES TO: KRS 314.041, 314.042, 314.051, 314.071, 314.091, 314.103, 314.475

STATUTORY AUTHORITY: KRS 314.041, 314.042, 314.051, 314.071, 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations as may be necessary to enable it to carry into effect the provisions of KRS Chapter 314. KRS 314.041, 314.042, 314.051, and 314.071 require the board to review an application for licensure and a licensee for conformity with KRS Chapter 314. This administrative regulation establishes requirements and procedures for licensure.

Section 1. To be eligible for licensure by examination, endorsement, renewal, reinstatement, retired licensure status, or for advanced practice registered nurse licensure, renewal, or reinstatement, an applicant shall:

(1) Submit the truthfully and accurately completed application form to the board office, as follows:

(a) For RN or LPN licensure by examination, endorsement, or reinstatement, Application for Licensure;

(b) For RN or LPN Renewal, Annual Licensure Renewal Application: RN or LPN;

(c) For licensure or reinstatement as an advanced practice registered nurse, Application for Licensure as an Advanced Practice Registered Nurse;

(d) For renewal as an RN and an APRN, Annual Licensure Renewal Application: RN and APRN;

(e) For licensure as an RN and as an APRN, Application for RN and APRN Licensure;

(f) For retired licensure status, Application for Retired Status;

(g) For APRN renewal with an RN Compact license, Annual Licensure Renewal Application: APRN with RN Compact License (not Kentucky);

(h) For APRN renewal with a Kentucky RN License, Annual Licensure Renewal Application, APRN with Kentucky RN License; or

(i)[~~(h)~~] In addition to any other renewal form, for APRN renewal, APRN Practice Data;

(2) Submit the current application fee, as required by 201 KAR 20:240;

(3) Submit a certified or attested copy of the court record of each misdemeanor or felony conviction in this or any other jurisdiction and a letter of explanation that addresses each conviction, except for traffic-related misdemeanors (other than DUI) or misdemeanors older than five (5) years;

(4) Submit a certified copy of a disciplinary action taken in another jurisdiction with a letter of explanation or report a disciplinary action pending on a nurse licensure application or license in another jurisdiction;

(5) Have paid all monies due to the board;

(6) Submit a copy of an official name change document (court order, marriage certificate, divorce decree, Social Security card), if applicable;

(7) Submit additional information as required by the board in 201 KAR Chapter 20;

(8) Meet the additional requirements for:

(a) Licensure by examination established by 201 KAR 20:070;

(b) Licensure by endorsement established by 201 KAR 20:110;

(c) Licensure by reinstatement established by 201 KAR 20:225;

(d) Licensure by renewal established by 201 KAR 20:230;

(e) Retired nurse or inactive licensure status established by

201 KAR 20:095; or

(f) Advanced practice registered nurse licensure, renewal, or reinstatement established by 201 KAR 20:056;

(9) If not a citizen of the United States, maintain proof of legal permanent or temporary residency under the laws and regulations of the United States; and

(10) Notify the board upon establishment of a new mailing address.

Section 2. A completed renewal application form and all information needed to determine that an applicant meets the requirements for renewal of licensure shall be postmarked or received by the board no later than the last day for renewal of license.

Section 3. An application shall lapse and the fee shall be forfeited if the application is not completed as follows:

(1) For an application for licensure by endorsement, within six (6) months from the date the application form is filed with the board office;

(2) For an application for licensure by examination, within one (1) year from the date the application form is filed with the board office or the date the applicant fails the examination, whichever comes first; or

(3) For all other applications except renewal of license applications, within one (1) year from the date the application form is filed with the board office.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Licensure", 1/2016, Kentucky Board of Nursing;

(b) "Annual Licensure Renewal Application: RN or LPN", 2/2018, Kentucky Board of Nursing;

(c) "Application for Licensure as an Advanced Practice Registered Nurse", 1/2016, Kentucky Board of Nursing;

(d) "Annual Licensure Renewal Application: RN and APRN", 2/2018, Kentucky Board of Nursing;

(e) "Application for RN and APRN Licensure", 1/2016, Kentucky Board of Nursing;

(f) "Application for Retired Status", 8/2004, Kentucky Board of Nursing;

(g) "Annual Licensure Renewal Application: APRN with RN Compact License (not Kentucky)", 5/2018, Kentucky Board of Nursing;

(h) "Annual Licensure Renewal Application, APRN with Kentucky RN License", 5/2019; and

(i)[~~(h)~~] "APRN Practice Data", 6/2012, Kentucky Board of Nursing.

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

KELLY JENKINS, President

APPROVED BY AGENCY: April 11, 2019

FILED WITH LRC: May 10, 2019 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 28, 2019 at 10 a.m. (ET) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until end of day (11:59 p.m.) June 30, 2019. 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: Megan LaFollette, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 429-7192, fax (502) 429-1248, email Megan.LaFollette@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Megan LaFollette

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation is being amended to include a renewal application for advanced nurse practitioners who are already licensed as a registered nurses in the Commonwealth of Kentucky.

(b) The necessity of this administrative regulation: The regulation is necessary to incorporate various forms utilized by the Board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation conforms to the statutes allowing the Board to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by simplifying the renewal process for advanced practice registered nurses who are already licensed as a registered nurses 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: The amendment creates a new application for an identified population of licensees.

(b) The necessity of the amendment to this administrative regulation: This amendment will simplify and streamline the renewal process for an identified population of licensees, creating a more efficient renewal process.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation conforms to the statutes allowing the Board to promulgate regulations generally.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by simplifying the renewal process for advanced practice registered nurses who are already licensed as a registered nurses in the Commonwealth of Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 8,580 advanced practice registered nurses are licensed in Kentucky, some of whom may need to utilize this form at times depending on circumstances at the time of renewal

(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: Fill out and submit the form under certain circumstances.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost beyond regular renewal fees already prescribed by regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Continued licensure.

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

(a) Initially: There is no additional cost.

(b) On a continuing basis: There is no additional cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds derived from licensure fees.

(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 is needed.

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

(9) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Nursing.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.042, KRS 314.071

(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 additional cost.

(d) How much will it cost to administer this program for subsequent years? No additional cost.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

GENERAL GOVERNMENT CABINET
Board of Nursing
(Amendment)

201 KAR 20:506. Nurse licensure compact.

RELATES TO: KRS 314.475

STATUTORY AUTHORITY: KRS 314.131, 314.475

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.475, Article I(c)2 requires the Board of Nursing to review any rule adopted by the Interstate Commission of Nurse Licensure Compact Administrators pursuant to Article VIII of KRS 314.475 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators[~~on December 12, 2017~~] and the bylaws [~~adopted on August 3, 2017~~].

Section 1. The Kentucky Board of Nursing shall comply with all bylaws, rules, and administrative regulations of the Interstate Commission of Nurse Licensure Compact Administrators, which includes The Interstate Commission of Nurse Licensure Compact Administrators, Final Rules as of January 1, 2019[~~December 12, 2017~~], and Bylaws as of August 3, 2017, and as amended August 15, 2017.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "The Interstate Commission of Nurse Licensure Compact Administrators, Final Rules", January 2019[~~December 2017~~]; and

(b) "The Interstate Commission of Nurse Licensure Compact Administrators, Bylaws", August 2017.

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

(b) This material may also be obtained on the Kentucky Board of Nursing's Web site at https://kbn.ky.gov.

(3) This material may also be obtained at:

(a) The Interstate Commission of Nurse Licensure Compact Administrators, 111 East Wacker Drive, Suite 2900, Chicago, IL 60601; or

(b) https://www.ncsbn.org/enhanced-nlc-implementation.htm.

KELLY JENKINS, President

APPROVED BY AGENCY: April 11, 2019

FILED WITH LRC: May 10, 2019 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 28, 2019 at 10 a.m. (ET) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until end of day (11:59 p.m.) June 30, 2019. 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: Megan LaFollette, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 429-7192, fax: (502) 429-1248, email: Megan.LaFollette@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Megan LaFollette

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation implements KRS 314.475, the Nurse Licensure Compact.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because KRS 314.475, Article I(c)(2) requires rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 314.475 which requires this promulgation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by following the mandate contained in KRS 314.475, Article I(c)(2).

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

(a) How the amendment will change this existing administrative regulation: It updates the final rules of the compact incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment updates the rules required by the compact commission consistent with Kentucky law.

(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statute requires the Board to update rules updated by the Commission.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will allow Kentucky to continue to participate in the nursing compact.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this

administrative regulation: Nurses licensed in Kentucky, approximately 85,000.

(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:

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost imposed by this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will be in compliance with the regulation.

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

(a) Initially: There is no additional cost.

(b) On a continuing basis: There is no additional cost.

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

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is needed.

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

(9) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Nursing.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.475

(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 additional cost.

(d) How much will it cost to administer this program for subsequent years? No additional cost.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

Board of Podiatry
(Amendment)

201 KAR 25:090. Prescribing and dispensing controlled substances.

RELATES TO: KRS 218A.202, 218A.205, 218A.172

STATUTORY AUTHORITY: KRS 218A.205(3)(a), 311.410(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.410 establishes the Kentucky Board of Podiatry and authorizes it to make all rules and regulations, not inconsistent with KRS 311.390 to 311.510, as may be necessary to carry out KRS 311.390 to 311.510. KRS 218A.205(3)(a) requires the board to establish standards for prescribing and dispensing controlled substances. KRS 218A.172 requires the board to promulgate administrative regulations governing the prescribing or dispensing of any Schedule II controlled substance or a Schedule III controlled substance containing hydrocodone. This administrative regulation establishes the standards for board licensees prescribing or dispensing controlled substances.

Section 1. Prescribing or dispensing authority[~~a controlled substance~~]. (1) A podiatrist licensed by the board may prescribe and dispense controlled substances necessary for the treatment of a patient that comes within the practice of podiatry as defined by KRS 311.380(2) if the licensee:

(a) Has obtained a registration number from the Drug Enforcement Administration;

(b) Registers with and uses the Kentucky All-Schedule Prescription Electronic Reporting System (KASPER) as required by KRS 218A.202 and related administrative regulations promulgated by the Cabinet for Health and Family Services; and

(c) Follows the requirements of this administrative regulation.

(2) A podiatrist licensed by the board shall not prescribe or dispense:

(a) With the intent or knowledge that a medication will be used or is likely to be used for any purpose other than one that is necessary for medical treatment or therapeutic use;

(b) With the intent to evade any law governing the sale, use, or disposition of the medication;

(c) When the licensee knows or has reason to know that the abuse of the controlled substance is occurring or may result therefrom; or

(d) In amounts the licensee knows or has reason to know is excessive, under the circumstances.

Section 2. Prescribing or dispensing process. (1) This administrative regulation governs the prescribing and dispensing of controlled substances listed in Schedule II through V as classified in 902 KAR 55:015[~~KRS 218A.060, 218A.070, 218A.080, 218A.090, 218A.100, 218A.110, 218A.120, and 218A.130~~].

(2) All prescribing or dispensing pursuant to this Section shall be documented in the patient's file as required by Section 4 of this administrative regulation.

(3) If initially prescribing or dispensing a controlled substance, a licensee shall:

(a) Obtain a complete medical history and conduct a physical examination of the patient;

(b) Complete a written treatment plan which states the objectives of the treatment and[~~underlying the prescription of the controlled substance and which~~] includes an outline of any further diagnostic examinations, therapeutic, and laboratory results that may be required;

(c) Discuss the risks and benefits of the use of controlled substances with the patient or the patient's legal guardian or health care surrogate, including the risk of tolerance and drug dependence;

(d) Educate the patient or the patient's legal guardian or health care surrogate regarding proper use and disposal of any unused controlled substances;

(e) Verify that the patient is the person that he or she has identified himself or herself as being by requiring the person to produce proper government issued identification;

(f)[~~(e)~~] Query[~~the Kentucky All-Schedule Prescription Electronic Reporting System (~~]KASPER[~~)~~] for all data[~~information~~] available on the patient for the twelve (12) month period immediately preceding the patient encounter and appropriately use that data in the evaluation and treatment of the patient; and

(g) Obtain consent for the treatment from the patient in writing.

(4) If continuing a[~~if prescribing controlled substances that are included in:~~

~~1. Schedule II;~~

~~2. Schedule III; and~~

~~3. The following from Schedule IV:~~

~~a. Ambien;~~
~~b. Anorexics;~~
~~c. Ativan;~~
~~d. Klonopin;~~
~~e. Librium;~~
~~f. Nubain;~~
~~g. Oxazepam;~~
~~h. Phentermine;~~
~~i. Soma;~~
~~j. Stadol;~~
~~k. Stadol NS;~~
~~l. Tramadol;~~
~~m. Valium;~~
~~n. Versed; and~~
~~o. Xanax;~~
~~(f) Obtain consent for the treatment from the patient in writing; and~~
~~(g) Document the patient's file as required by Section 2 of this administrative regulation.~~
~~(3) If it is necessary to continue the~~] prescription or dispensing[~~dispensation of~~] a controlled substance for the same medical complaint andrelated symptoms following completion of[~~after~~] the initial supply, a podiatrist licensed by the board shall:
(a) Review the patient's plan of care at reasonable intervals applying[~~is completed, a licensee shall:~~
~~(a) Conduct, at reasonable intervals under the circumstances presented, all~~] clinically indicated protocols, based on the patient's individual circumstances;
(b) Provide any new information about the treatment to the patient; and
(c) Modify or terminate the treatment as appropriate;
(5) If the course of a patient's treatment with a controlled substance extends beyond three (3) months, the podiatrist licensed by the board shall, in addition to the requirements of Subsection 2(3):
(a) Obtain and review a[~~steps;~~
~~(b) Review the course of treatment that he initially prepared to determine if any changes are required;~~
~~(c) Provide any new information about the course of treatment or any changes made to the patient;~~
~~(d) Query~~] KASPER report for[~~for all information available on~~] the patient no less than once every three (3) months for all available data on the patient for the twelve (12) month period immediately preceding the query; and
(b) Modify or terminate the treatment as appropriate.

Section 3. Limitations for Schedule II or Schedule III controlled substances containing hydrocodone. (1) A podiatrist licensed by the board shall not issue a prescription for a Schedule II or Schedule III controlled substance containing hydrocodone for more than a three (3) day supply if the prescription is intended to treat pain as an acute medical condition, except as provided in KRS 218A.205(3)(b).
(2) A podiatrist licensed by the board shall not directly dispense mroe than a forty-eight (48) hour supply of a Schedule II or Schedule III controlled substance containing hydrocodone.
(3) If a patient continues to present with pain after the initial supply has been completed and the podiatrist licensed by the board believes that an additional amount of a Schedule II or Schedule III controlled substance containing hydrocodone is medically appropriate, the licensee shall follow the process established in[~~to review that data before issuing any new prescription or refill for the patient for controlled substance specified in subsection (2)(e) of this section; and~~
~~(e) Document the patient's file as required by~~] Section 2 of this administrative regulation.

Section 4. Records[~~2~~]. Podiatric medical records for patients being prescribed or dispensed controlled substances[~~substance~~] shall include, at a minimum:
(1) The patient's name;
(2) The patient's date of birth;
(3) The information concerning the patient's medical history and physical examination required by[~~Section 1 of~~] this administrative regulation;
(4) The[~~podiatrist's~~] diagnosis of the patient's condition;
(5) The procedures and treatments to be undertaken and their objectives;
(6) The date of the procedures or treatments;
(7) [~~(~~]Whether local or general anesthetics were used, including the type and the amount administered;
(8) Diagnostic, therapeutic, and laboratory results;
(9) The findings and recommendations of any other evaluations or consultations;
(10) All medications prescribed or dispensed by the podiatrist licensed by the board[~~administered or prescribed by the podiatrist~~], including the date, type, dosage, and quantity[~~administered or prescribed~~];
(11) Any post-treatment instructions from the podiatrist licensed by the board; and
(12) Documentation that the KASPER query required by[~~Section 3 of~~] this administrative regulation was completed.

Section 5. Exceptions. The professional standards established in this administrative regulation shall not apply to a podiatrist licensed by the board prescribing or dispensing a[~~3. If a prescription for a controlled substance is written, a podiatrist shall:~~
~~(1) Obtain and document in the patient's podiatric medical record the information concerning the patient's medical history and physical examination required by Section 1 of this administrative regulation;~~
~~(2) Query the Kentucky All-Scheduled Prescription Electronic Reporting System (KASPER) for all available data on the patient if the~~] controlled substance to a patient:
(1) In an emergency situation;
(2) As part of the patient's hospice or end of life treatment;
(3) As part of the patient's treatment of cancer or pain associated with cancer;
(4) Admitted to a licensed hospital as an inpatient, outpatient, or observation patient, during and as part of a normal and expected part of the patient's course of care at that hospital;
(5) For a single dose to relieve anxiety, pain, or discomfort related to a diagnostic test or procedure; or
(6) Qualifying under exemptions set forth in KRS 218A.172 or 218A.205.

Section 6. Violations. Any violation of the professional standards established in this administrative regulation shall constitute a violation of KRS 311.480, which may result in the imposition of disciplinary sanctions including suspension, revocation, or fines by the board, pursuant to KRS 311.490 and 201 KAR 25:051[~~is one specified in Section 1(2)(e) of this administrative regulation and record the results of the query in the patient's record;~~
~~(3) Discuss the risks and benefits of the use of controlled substances with the patient, the patient's parent if the patient is an unemancipated minor child, or the patient's legal guardian or health care surrogate, including the risk of tolerance and drug dependence; and~~
~~(4) Obtain consent for the treatment from the patient in writing.~~

~~Section 4. Dispensing Schedule II or Schedule III controlled substances containing hydrocodone. (1) A licensee shall not dispense more than a forty-eight (48) hour supply of Schedule II or Schedule III controlled substances containing hydrocodone.~~
~~(2) If a patient continues to present with pain after the initial supply has been completed and the podiatrist believes that an additional prescription for a controlled substance is medically appropriate, the podiatrist shall at a minimum:~~
~~(a) Follow the requirements of Section 1 of this administrative regulation; and~~
~~(b) Prescribe only that amount of the controlled substance that is appropriate under accepted and prevailing practice standards.~~

~~Section 5. Authority to prescribe controlled substances. (1) A podiatrist licensed by the board may prescribe any medicine~~

~~necessary for the treatment of a patient that comes within the practice of podiatry as defined by KRS 311.380(2), including Schedule II and Schedule III controlled substances containing hydrocodone, if the licensee:~~

~~(a) Has obtained a license number from the Drug Enforcement Administration;~~

~~(b) Registers with and utilizes the Kentucky All-Schedule Prescription Electronic Reporting System (KASPER) as required by KRS 218A.202;~~

~~(c) Follows the requirements of this administrative regulation; and~~

~~(d) Meets all the requirements for utilizing KASPER promulgated by the Cabinet as well as the requirements set forth in KRS 218A.202.~~

~~(2) A licensed podiatrist shall not prescribe or dispense:~~

~~(a) With the intent or knowledge that a medication will be used or is likely to be used for any purpose other than one that is necessary for medical treatment or therapeutic use;~~

~~(b) With the intent to evade any law governing the sale, use, or disposition of the medication;~~

~~(c) When the licensee knows or has reason to know that the abuse of the controlled substance is occurring or may result therefrom; and~~

~~(d) In amounts that the licensee knows or has reason to know, under the circumstance, that the amount prescribed is excessive under accepted and prevailing practice standards.~~

~~(3) After a hearing conducted under KRS Chapter 13B and 201 KAR 25:051, the board shall fine a licensee who otherwise has the authority to prescribe controlled substances, but who has failed to register for an account with KASPER, an amount not less than $250 per prescription for each prescription that individual has written while not properly registered~~].

ANN FARRER, DPM, Chair

APPROVED BY AGENCY: May 1, 2019

FILED WITH LRC: May 2, 2019 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 10:00 a.m. on June 28, 2019 at the Department of Professional Licensing, 911 Leawood 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 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 through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: David Trimble, Board Counsel, 911 Leawood Dr., Frankfort, Kentucky 40601, phone (502)782-8223, fax (502) 564-4818, email davidc.trimble@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: David Trimble

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes professional standards for licensed podiatrists for prescribing and dispensing controlled substances in the Commonwealth of Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is necessary under KRS 218A.205, which requires that the Podiatry Board promulgate an administrative regulation establishing professional standards for prescribing and dispensing controlled substances.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation sets mandatory prescribing and dispensing standards related to controlled substances to conform to KRS 218A.205. KRS 311.401(4) authorizes the Kentucky Board of Podiatry to make all rules and regulations, no inconsistent with KRS 311.390 to 31.510, as may be necessary to implement and carry out the provisions and purposes of KRS 311.390 to 311.510.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amendment will establish clearly the prescribing and dispensing standards for controlled substances for licensed podiatrists following the enactment of HB 333 during the 2017 Regular session of the General Assembly.

(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 updates the professional standards for prescribing and dispensing opioids and imposes a 3-day prescribing limit on Schedule II and Schedule III controlled substances containing hydrocodone in conformity with HB 333, enacted during the 2017 Regular Session of the General Assembly.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update prescribing and dispensing standards consistent with updates to KRS 218A.205.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment clarifies the process, requirements, recordkeeping, exceptions, and penalties for the unlawful prescribing and dispensing of Schedule II and Schedule III controlled substances containing hydrocodone. The amendment brings the existing regulation into conformity with all updates to KRS 218A.205 and 218A.172, amended during the 2017 Regular Session of the general assembly as part of the ongoing effort to combat the opioid crisis in the Commonwealth.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide clear guidance regarding standards and requirements for practicing podiatrists in the Commonwealth when prescribing Schedule II and Schedule III controlled substances containing hydrocodone .

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect approximately 200 current licensed podiatrists and all future applicants and practitioners.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Podiatry licensees will be required to comply with mandatory prescribing and dispensing guidelines and CDC guidelines for prescribing opioids for chronic pain. Podiatry licensees will further be required to comply with reporting requirements and make use of KASPER for prescribing specified treatments. These are not new requirements, but they have been updated for consistency with KRS 218A.205.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There will be no additional cost to regulated entities to comply with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities: Licensees will have additional clarity, which will greatly facilitate compliance.

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

(a) Initially: There is no additional cost to implement this administrative regulation.

(b) On a continuing basis: There is no additional cost on a continuing basis for this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment to the administrative regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied because the criteria apply equally to all licensees.

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 Board of Podiatry

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 218A.205, KRS 311.420

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for the state or local government for the first year.

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

(c) How much will it cost to administer this program for the first year? There will be no cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no cost to administer this program for subsequent years.

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

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None

BOARDS AND COMMISSIONS
Board of Private Investigators
(Amendment)

201 KAR 41:020. Application for licensure.

RELATES TO: KRS [~~Chapter 61,~~]329A.035, 329A.040(1), 329A.065(1), 28 C.F.R. 16.33[~~16.3345, 164.512(a), (d), (e)~~]

STATUTORY AUTHORITY: KRS 329A.025(1), 329A.035[~~,~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 329A.025(1) requires the Kentucky State Board of Licensure for Private Investigators to evaluate the qualification of candidates for licensure as private investigators and private investigating companies. KRS 329A.035 establishes application requirements for private investigators and private investigation companies. This administrative regulation establishes the application requirements and process for licensure.

Section 1. Individual Applicant[~~Application for Individual Private Investigator License~~]. (1) An individual seeking licensure as a private investigator shall submit to the board:

(a) A complete,[~~A person who has met the qualifications established in KRS 329A.035 may submit to the board the Private Investigator Application and Applicant Instructions.~~

~~(2) With a~~] sworn and notarized Private Investigator Application;

(b) The nonrefundable[~~, the applicant shall submit to the board:~~

~~(a) The~~] initial application fee established in 201 KAR 41:040, Section 1;[~~, which shall be nonrefundable;~~]

(c)[~~(b)~~]Two (2) 2 in. x 2 in. color passport-style photographs;

(d)[~~(c)~~] A check or money order made payable to the "Kentucky State Treasurer" for the criminal background check and fingerprint fee; and

(e)[~~(d)~~] Authorization for release of medical, psychological, and, if applicable, records pursuant to the requirements of KRS 329A.035(3)(e)-(l).

(2)[~~(e)~~] The applicant shall contact the Department of Professional Licensing[~~Division of Occupations and Professions~~] for the combined amount of state and federal fees, pursuant to 502 KAR 30:060 and 28 C.F.R. 16.33.

Section 2. Application for Company Private Investigator License.

(1) Owners, partners, or qualifying agents of a company seeking licensure as a private investigating company shall[~~companies who have met the qualifications established in KRS 329A.035, may~~] submit to the board:

(a) A complete Private Investigator Company Application that has been:

1. Sworn by[~~and Applicant Instructions.~~

~~(2) With the application sworn by the individual applicant;~~] each partner, if the applicant is a partnership;

2. Sworn by[~~or~~] the qualifying agent;[~~,~~] and

3. Notarized.

(b) The nonrefundable[~~, the applicant shall submit:~~

~~(a) The~~] initial application fee established in 201 KAR 41:040, Section 2;[~~, which shall be nonrefundable; and~~]

(c)[~~(b)~~] A check or money order made payable to the "Kentucky State Treasurer" for the criminal background check and fingerprint fee; and

(d)[~~. (c)~~] A list of all private investigators employed by the company[~~and a "proof of affiliation" letter for each private investigator~~].

(2)[~~(d)~~] The applicant shall contact the Department of Professional Licensing[~~Division of Occupations and Professions~~] for the combined amount of state and federal fees, pursuant to 502 KAR 30:060 and 28 C.F.R. 16.33.

Section 3. Status Change. (1) An individual[~~A~~] licensee, applicant, or private investigation company shall notify the board in writing within thirty (30) days of a change in company affiliation, business address, residence address, or phone number[~~during the application process and after license issuance~~].

(2)(a) A private investigation company shall notify the board in writing within thirty (30) days of a change in company affiliation or upon the death or termination of a private investigator working for that company.

(b) If a private investigator's employment is terminated, the private investigation company employer shall notify the board of the reason for the termination within thirty (30) days of[~~state within thirty (30) days of the termination the reason for the~~] termination.

Section 4. Application Processing. Except for proof of a passing examination score, all application documents and fees shall be submitted within thirty (30) days of the submission of the application to the board. Failure to provide all required documents[~~(1) The average processing time for an application is two (2) to three (3) months.~~

~~(2) Failure to respond to correspondence during the application processing period may delay the application.~~

~~(3)(a) An application on file with the board for more than six (6) months shall be placed in "inactive status".~~

~~(b) If a license is sought for an application in "inactive status", a new application and fee shall be required.~~

~~(4) Licensure fees not paid~~] within thirty (30) days of the submission of the application to the board shall result in automatic denial of the application[~~request or application shall result in closure of the application without further notice~~].

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

(a) "Private Investigator Application and Applicant Instructions", 10/2008 edition; and

(b) "Private Investigator Company Application and Applicant Instructions", 10/2008 edition.

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

RICK HESSIG, Board Chair

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on June 24, 2019 at 911 Leawood 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 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 through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jamar Carter, Board Administrator, 911 Leawood Drive, Frankfort, Kentucky 40601, phone 502-564-3296, fax 502-564-4818, email jamar.carter@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jamar Carter

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for application to be a licensed private investigator or a private investigation company in the Commonwealth.

(b) The necessity of this administrative regulation: This regulation is necessary because the Board is required, pursuant to KRS 329A.025 and 329A.035, to promulgate administrative regulations establishing the procedures to apply for a Private Investigator License.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 329A.025 and KRS 329A.035 require the Board to promulgate administrative regulations establishing the procedures to apply for a Private Investigator License.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides the procedures for an applicant to obtain a Private Investigator or Private Investigation Company license.

(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 shortens the time for an applicant to complete their application to thirty (30) days from six (6) months. These change will alleviate the administrative burden of monitoring applications that have not been completed for six (6) months. An applicant should already have the necessary information prior to submitting the application and a six (6) month window is unnecessary. The remaining amendments are stylistic changes to promote clarity and ease of understanding.

(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is necessary to shorten the time an application can be incomplete yet remain on file from six (6) months to thirty (30) days.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 329A.035 requires the Board to evaluate the qualifications of applicants for Private Investigator licensure. KRS 329A.035 expressly requires an applicant to fill out a Board approved application form.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will alleviate the administrative burden of tracking applications that have not been completed within thirty (30) days of their submission.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all new applicants for Private Investigator and Private Investigation Company licensure.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Those affected by this regulation will have thirty (30) days to complete an incomplete application rather than six (6) months.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: This administrative regulation does not impose any new costs on an applicant.

(c) As a result of compliance, what benefits will accrue to the entities: Applicants complying with this administrative regulation can expect a more efficient licensing process.

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

(a) Initially: This administrative regulation is not anticipated to create costs for the administrative body.

(b) On a continuing basis: This administrative regulation is not anticipated to create costs for the administrative body.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is needed to implement this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional fees or funding are necessary to implement this amendment.

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

(9) TIERING: Is tiering applied? No tiering is applied because this regulation applies equally to similarly situated applicants and licensees.

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? Kentucky Board of Private Investigators

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 329A.035

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities,

counties, fire departments, or school districts) for the first year? This amendment to the administrative regulation will not generate additional revenue for the state or local government.

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

(c) How much will it cost to administer this program for the first year? This amendment to the administrative regulation will not cost the Commonwealth any additional funds to administer.

(d) How much will it cost to administer this program for subsequent years? This amendment to the administrative regulation will not cost the Commonwealth any additional funds to administer.

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: The fees referenced in this administrative regulation are set in a comprehensive Fee regulation at 201 KAR 41:040.

BOARDS AND COMMISSIONS
Board of Private Investigators
(Amendment)

201 KAR 41:030. Examination.

RELATES TO: KRS 329A.025(2)(c), 329A.035(3)(m)

STATUTORY AUTHORITY: KRS 329A.025(2)(c), 329A.035(3)(m)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 329A.025(2)(c) requires the board to promulgate administrative regulations creating an examination for private investigator applicants. This administrative regulation establishes the examination for private investigator applicants.

Section 1. Examination structure[~~Definitions~~]. (1) The written examination shall be called the "Kentucky Private Investigator Examination".

(2) The exam shall be developed and administered by a board-approved examination service pursuant to a contractual agreement.

(3) The exam shall be administered by computer and provided at locations within the Commonwealth of Kentucky, to be determined by the contractor at least twice annually.

(4) The examination shall be structured and designed to measure the subject areas[~~outlined~~] in KRS 329A.025(2)(c).

(5) The examination passing score shall be determined and set by the board in consultation with the examination contractor.

Section 2. General Requirements. (1) An applicant for examination shall:

(a) Submit a completed application for licensure as required by 201 KAR 41:020;

(b) Pay the applicable application fee established in 201 KAR 41:040(1)(a); and

(c) Pay the examination fee directly to the examination service.

(2) The board administrator shall review each application received for completeness. If the board administrator determines that the application is complete, the board administrator shall notify the applicant that he or she is authorized to sit for the examination. [~~Once the application has been approved by the board,~~] The applicant shall sit for the examination within sixty (60) days of the date the board administrator notifies the applicant of his or her eligibility. Notification that an applicant is qualified to sit for the examination shall not mean the application for licensure has been approved by [~~on the authorization-to-test letter, sent from~~] the board.

(3) An applicant may sit for the examination at any approved examination contractor testing center or via any contractor and board-approved electronic testing method.

(4) Failure to take the examination within sixty (60) days of the board administrator's notification shall result in automatic denial of the application and forfeiture of all application and examination fees paid. An applicant whose application has been denied pursuant to this Section may reapply for licensure by submitting a new application and payment of a new application fee[~~authorization-to-test date shall lead to a forfeit of application fees and necessitate a reapplication to the board~~].

(5) An applicant shall have six (6) months from the board administrator's notification[~~application approval date by the board~~] to tender a passing exam score to the board. An applicant may sit for the examination a second time during this six (6) month period if the applicant did not achieve a passing score the first time the applicant sat for the examination. Failure to pass the examination within the six (6) month period shall result in automatic denial of the application and forfeiture of all application and examination fees paid[~~requires a new application to the board~~].

(6) No applicant shall be permitted to sit for the examination within twelve (12) months of their second failed examination attempt.

RICK HESSIG, Board Chair

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on June 24, 2019 at 911 Leawood 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 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 through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jamar Carter, Board Administrator, 911 Leawood Drive, Frankfort, Kentucky 40601, phone 502-564-3296, fax 502-564-4818, email jamar.carter@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jamar Carter

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the structure and requirements for the Private Investigator Licensure Examination.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because an applicant cannot be licensed without proof of a passing examination score.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 329A.025(2)(c) specifically requires the Board promulgate this administrative regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 329A.025(2)(c) specifically requires the Board promulgate this administrative regulation to provide a method of examination for private investigators in the Commonwealth.

(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 authorizes the Board Administrator to approve an applicant to sit for examination prior to a meeting of the Board provided the applicant has complied with 201 KAR 41:020. The Board Administrator is not authorized to issue a license, but by permitting the applicant to sit for the exam prior to a Board meeting

the total time between application submission and final approval will be substantially reduced.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to expedite the approval process for applicants seeking licensure as private investigators in the Commonwealth.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 329A.025(2) and KRS 329A.035(3)(m) specifically require the Board administer an examination and promulgate administrative regulations regarding that examination.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will expedite an applicant's ability to sit for the statutorily required examination and greatly reduce applicant wait time for approval.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all new applicants for Private Investigator licensure.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Those affected by this regulation will not have to take any additional steps to comply with this amendment. The amendment only imposes additional requirements on the Board and staff.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Applicants will not face any additional costs resulting from this regulation.

(c) As a result of compliance, what benefits will accrue to the entities: An applicant will benefit by a substantial reduction in time between application submission and final approval. Currently an applicant must wait for Board approval to sit for an exam. However, the Board currently meets every other month. As a result of this amendment, an applicant's application can be completed for consideration by the Board without the additional delay of Board approval to merely sit for the examination.

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

(a) Initially: There are no anticipated initial costs for this amendment.

(b) On a continuing basis: There are no anticipated continuing costs associated with this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is needed to implement this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional fees or funding are necessary to implement this amendment.

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

(9) TIERING: Is tiering applied? No tiering is applied because this administrative regulation applies equally to all license applicants.

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? Kentucky Board of Private Investigators

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 329A.025, 329A.035

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for state or local government.

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

(c) How much will it cost to administer this program for the first year? There is no cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There is no cost to administer this program for subsequent years.

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

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None - the fees discussed in this administrative regulation are paid directly to the examination providers.

BOARDS AND COMMISSIONS
Board of Private Investigators
(Amendment)

201 KAR 41:040. Fees.

RELATES TO: KRS 329A.025, 329A.040(1)(b), 329A.045(4)

STATUTORY AUTHORITY: KRS 329A.025(2)(b), 329A.040(1)(b), 329A.045(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 329A.025(2)(b) requires the board to establish fees associated with the licensure of private investigators and private investigating companies. 329A.040(1)(b) requires the board to establish an application fee for licensure and for state criminal history background checks. KRS 329A.045(4) requires the board to establish a license renewal fee. This administrative regulation establishes the application and related fees, the licensure renewal fees, and the fee procedure for the licensure examination.

Section 1.[~~Application Fees for Licensure as a~~] Private Investigator Application Fees. An applicant for licensure as a private investigator shall submit the following fees[~~to the board~~]:

(1)(a) The initial application fee for licensure as a private investigator shall be $400.

(b) The fee shall be submitted to the board as follows:

1. $100 shall be due within thirty (30) days of submission of the application. This fee shall be non-refundable[~~at the time of application~~]; and

2. $300 shall be due at the time the applicant submits proof of a passing examination score. This fee shall be refunded if the applicant is denied a license.[~~after the application has been reviewed and approved by the board; and~~]

(2)(a) The fee for the criminal history, background check, and fingerprinting shall be remitted to the Kentucky State Treasurer in an amount pursuant to 502 KAR 30:060 and 28 C.F.R. 16.33.

(b) Contact the Department of Professional Licensing for the current fee amount or check the board's Web site[~~Division of Occupations and Professions for fee amount or check the board's Web site at http://finance.ky.gov/ourcabinet/caboff/OAS/op/privinve~~].

Section 2.[~~Application Fees for Licensure as a~~] Private Investigator Company Application Fees. (1) The initial application fee for licensure as a private investigator company shall be:

(a) $100 for a sole proprietorship; or

(b) $400 for a firm, association, partnership, corporation,

nonprofit organization, or institution.

(2) The initial application fee shall be submitted within thirty (30) days of the[~~at the time of~~] application.

Section 3. Examination Fee. (1) The examination fee shall be the actual amount charged by the examination service for the examination pursuant to a contractual agreement with the board.

(2) The examination fee shall be paid directly to the examination service.

Section 4. Biennial Renewal License Fee. (1) The fee for renewal of a private investigator license shall be $250.

(2) The fee for renewal of a private investigating company license shall be $250.

Section 5. Late Renewal Fee. (1) Late renewal fees shall be in addition to license renewal fees established in Section 4 of this administrative regulation.

(2)[~~(a)~~] The fee for late renewal of a private investigator license, submitted for renewal between July 1 and August 31, shall be $250.

(3)[~~(b) The late renewal fee shall be in addition to the license renewal fee established in Section 4(1) of this administrative regulation, for a total of $500.~~

~~(2)(a)~~] The fee for late renewal of a private investigating company license, submitted for renewal between July 1 and August 31, shall be $250[~~(b) The late renewal fee shall be in addition to the license renewal fee established in Section 4(2) of this administrative regulation for a total of $500~~].

Section 6. Reinstatement Fee. (1) Reinstatement fees shall be in addition to license renewal fees established in Section 4 and late renewal fees established in Section 5 of this administrative regulation.

(2)[~~(a)~~] The fee for reinstatement of a private investigator's license terminated pursuant to KRS 329A.045(8) shall be $100.

(3)[~~(b) The reinstatement fee shall be in addition to the license renewal fee established in Section 4(1) of this administrative regulation and the late renewal fee established in Section 5(1) of this administrative regulation for a total of $600.~~

~~(2)(a)~~] The fee for reinstatement of a private investigating company license terminated pursuant to KRS 329A.045(8) shall be $100.[~~(b) The reinstatement fee shall be in addition to the license renewal fee established in Section 4(2) of this administrative regulation and the late renewal fee established in Section 5(2) of this administrative regulation for a total of $600.~~]

Section 7. Inactive Status Fee. (1) The fee for placing a license in inactive status shall be $100.

(2) The fee for renewal of a license in inactive status shall be $100.

(3) The fee to reactivate an inactive license pursuant to 201 KAR 41:065 shall be $250.

Section 8. Duplicate License Fee. The fee for a duplicate license or certificate shall be twenty-five (25) dollars.

Section 9. Continuing Education Program Application Fee. (1) The annual fee for an application for approval of a continuing education program shall be fifty (50) dollars.

(2) The fee shall be applicable to all continuing education providers except those who do not require board approval pursuant to 201 KAR 41:070, Section 3(1).

Section 10. Temporary Employee Registration Fee. (1) A private investigator or private investigation firm employing a person for less than 240 hours pursuant to 201 KAR 41:100 shall pay a fee of twenty (20) dollars per temporary employee at the time of registration.

RICK HESSIG, Board Chair

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on June 24, 2019 at 911 Leawood 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 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 through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jamar Carter, Board Administrator, 911 Leawood Drive, Frankfort, Kentucky 40601, phone 502-564-3296, fax 502-564-4818, email jamar.carter@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jamar Carter

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the necessary application, renewal, and reactivation fees.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because the Board relies on fees to carry out its statutory mandate.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 329A.025(2)(b) expressly authorizes the Board to promulgate administrative regulations establishing fees for the purpose of carrying out its statutory mandate.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation is necessary because the Board relies on fees to carry out its statutory mandate.

(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 provides clarity regarding when the second portion of an individual's application fee is due, and clarifies that this second portion is refundable. The amendment also refers back to the fee established in 201 KAR 41:100 so that all private investigator fees are referenced in one administrative regulation. It also makes technical amendments reflecting the Department of Professional Licensing's change of name.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide clarity that the second portion of an initial application fee is refundable. It is also necessary to remind applicants of the temporary employee fee established in 201 KAR 41:100.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 329A.025(2)(b) expressly authorizes the Board to promulgate administrative regulations establishing fees for the purpose of carrying out its statutory mandate.

(d) How the amendment will assist in the effective administration of the statutes: This regulation is necessary because the Board relies on fees to carry out its statutory mandate.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all licensees.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Licensees will not have to take additional steps to comply with this administrative

regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There are no additional costs to licensee associated with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities: Applicants are provided clarity that the second portion of their initial application fee is refundable.

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

(a) Initially: There are no anticipated initial costs with this regulation.

(b) On a continuing basis: There are no anticipated costs associated with this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is needed to implement this regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional fees or funding are necessary. All fee amounts remain the same.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation establishes fees. However, those fee amounts remain unchanged.

(9) TIERING: Is tiering applied? No tiering is applied because this regulation applies equally to the regulated entities.

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 Board of Licensure for Private Investigators

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 329A.025, 329A.040(1)(b), 329A.045(4)

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Based on application data from April 2018-2019, the board anticipates this administrative regulation will generate approximately $88,000 per year. This is consistent with previous years and is not a result of amendments to the administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Based on application data from April 2018-2019, the board anticipates this administrative regulation will generate between $70,000 and $90,000 on a continuing basis.

(c) How much will it cost to administer this program for the first year? There are no costs associated with the implementation of this administrative regulation. This administrative regulation establishes the board's revenue from all licensing fees.

(d) How much will it cost to administer this program for subsequent years? There are no costs associated with the implementation of this administrative regulation. This administrative regulation establishes the board's revenue from all licensing fees.

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: Although this administrative regulation generates revenue for the board, no effect is anticipated as a result of the proposed amendment.

BOARDS AND COMMISSIONS
Board of Private Investigators
(Amendment)

201 KAR 41:060. Renewal and reinstatement procedures.

RELATES TO: KRS 164.772, 329A.045(1)-(3), (8), (11)

STATUTORY AUTHORITY: KRS 329A.025(2)(a), (3)(e)

NECESSITY, FUNCTION AND CONFORMITY: KRS 329A.025(3)(e) authorizes[~~states that~~] the board to[~~may~~] renew licenses. KRS 329A.025(2)(a) requires the board to implement the provisions of KRS 329A.010 to 329A.090 through the promulgation of administrative regulations. This administrative regulation provides directions for the biennial renewal of these licenses.

Section 1. An individual private investigator license shall be renewed upon:

(1) Payment of the biennial renewal fee established in 201 KAR 41:040, Section 4(1); and

(2) Submission of a completed PI Individual License Renewal Form with the following written information to the board:

(a) Documentation of completion of continuing professional education requirements during the licensure renewal period established in 201 KAR 41:070;

(b) Written confirmation that, since the license was issued or renewed, the licensee has not:

1. Been convicted of a felony; or

2. Been professionally disciplined by receiving a reprimand, fine, license suspension, probation, or license revocation from the Kentucky Board of Licensure for Private Investigators or any other state private investigator licensing board in the United States and is not currently the subject of a professional disciplinary investigation[~~Had the license disciplined and is not currently under disciplinary review~~] in Kentucky or another state; and[~~or~~

~~3. Defaulted on the repayment obligation of financial aid programs administered by the Kentucky Higher Education Assistance Authority (KHEAA) per KRS 164.772 or on the repayment obligation of financial aid programs administered by any other state or federal agency; and~~

(c)[~~1.~~] Copies of the certificate of liability[~~Documentation of proof of continuous~~] insurance coverage pursuant to KRS 329A.035(3)(n) [~~for the entire licensure period.~~

~~2. Copies of the certificate of liability insurance shall be submitted along with the renewal application~~].

Section 2. A licensee convicted of a felony or professionally disciplined in the interim period between issuance and renewal of the license, or between renewal periods, shall submit notice of the conviction or professional discipline along with a written explanation to the board within thirty (30) days of the entry of the conviction or final order imposing professional discipline[~~prior to license renewal~~].

Section 3. Failure to provide all information required by this administrative regulation, and the renewal fee,[~~If payment and complete information are not received by the board~~] on or before September 1 of the renewal year, shall result in the automatic termination of the license,[~~the license shall terminate~~] and the person shall not work as a private investigator in Kentucky.

Section 4. Company License Renewal. Private investigation companies who want to renew their licenses shall submit a completed PI Company License Renewal Form and comply with the provisions of KRS 329A.045(3).

Section 5. A license terminated pursuant to Section 3 of this administrative regulation may[~~terminated license shall~~] be reinstated, if the applicant submits:

(1) A completed Application for Reinstatement form within five (5) years of the termination date;

(2)[~~(a)~~] Evidence of receiving twelve (12) hours of continuing education within the two (2) year period immediately preceding the date that reinstatement is requested; [~~or~~

~~(b)1. Evidence of receiving six (6) hours of continuing education within the first six (6) months of reinstatement of licensure.~~

~~2. Failure to obtain six (6) hours within six (6) months shall result in termination of licensure.~~

~~3. This requirement is in addition to the continuing education requirements for licensure renewal established in 201 KAR 41:070;~~] and

(3) Payment of renewal and reinstatement fees set forth in 201 KAR 41:040.

Section 6.[~~A license previously revoked as a disciplinary action shall be considered for reinstatement as follows:~~

~~(1) An applicant for reinstatement shall:~~

~~(a) Submit to the board fifteen (15) days prior to the next scheduled meeting, a letter:~~

~~1. Requesting reinstatement; and~~

~~2. Specifying the manner in which the applicant for reinstatement has complied with the terms of a disciplinary order of the board, if applicable;~~

~~(b) Meet the requirements established in Section 5(2) of this administrative regulation; and~~

~~(c) Pay of renewal and reinstatement fees as established in 201 KAR 41:040.~~

~~(2) Upon receipt of an Application for Reinstatement, the board shall:~~

~~(a) Review the request for reinstatement and the Final Order; and~~

~~(b) Affirm or deny the request; or~~

~~(c) State in writing the corrective or remedial education, training, or review required before reinstatement shall be granted.~~

~~(3) The board shall not consider a request for reinstatement submitted to the board prior to the end of a revocation period.~~

~~Section 7.~~] (1) An applicant whose request for reinstatement is denied may file a written request for a hearing before the board within thirty (30) days of the letter denying reinstatement.

(2) A hearing held pursuant to the provisions of this section shall be conducted in accordance with KRS Chapter 13B.

Section 7[~~8~~]. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "PI Company License Renewal Form", 2008 Edition;

(b) "PI Individual License Renewal Form", 2008 Edition; and

(c) "Application for Reinstatement", 2008 Edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Licensure for Private Investigators, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

RICK HESSIG, Board Chair

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on June 24, 2019 at 911 Leawood 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 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 through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jamar Carter, Board Administrator, 911 Leawood Drive, Frankfort, Kentucky 40601, phone 502-564-3296, fax 502-564-4818, email jamar.carter@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jamar Carter

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation provides the procedures for renewal and reinstatement of a Private Investigator license.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the continuing education requirements prior to renewal and to establish the procedures to renew a license as well as the requirements for submitting proof of insurance.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 329A.045 provides the conditions upon which a license shall be renewed, and KRS 329A.025 authorizes the Board to promulgate administrative regulations to enforce the provisions of KRS Chapter 329A. KRS 329A.025(3)(e) authorizes the Board to require continuing education requirements as a condition for renewal.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the Board in carrying out its statutory duties to renew licenses.

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

(a) How the amendment will change this existing administrative regulation: This amendment removes the ability of a licensee to obtain their continuing education requirements within six (6) months of obtaining their renewed license. The Board does not have sufficient resources to ensure compliance with this option and it is the Board's opinion that a person should meet the continuing education requirements prior to renewal or reactivation of a license. This amendment also removes the ability for a revoked license to be reinstated. Revocation is a permanent action and it defies logic that a permanently revoked license can be reinstated. A person whose license is revoked must apply for a new license. Finally, this amendment removes the requirement that a licensee provide proof of insurance for the entire two (2) year renewal period. Insurance policies may not directly line up with a licensee's renewal period and a licensee need only provide proof that it meets the insurance requirements established in KRS 329A.025(3)(n) at the time of renewal. KRS 329A.025 does not require proof of insurance that lasts during the entire license period, only that a licensee be insured while acting as a Private Investigator.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide licensees with instructions regarding the continuing education requirements for renewal, to remove the illogical option that a permanently revoked license can be reinstated, and to provide greater flexibility in a licensee's ability to obtain qualifying insurance.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 329A.045 provides the conditions upon which a license shall be renewed, and KRS 329A.025 authorizes the Board to promulgate administrative regulations to enforce the provisions of KRS Chapter 329A. KRS 329A.025(3)(e) authorizes the Board to require continuing education requirements as a condition for renewal.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist the Board is ensuring all applicants for renewal have completed the required continuing education hours prior to the Board renewing the license. The amendment is also necessary to create flexibility for the applicant regarding their submission of proof of insurance. Without this amendment, applicants would still be required to show proof of insurance for a full two year period which can create an economic burden on the applicant. The amendment also assists the administration of KRS Chapter 329A by ensuring revocation of a license is a permanent action by the Board.

(3) List the type and number of individuals, businesses,

organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all licensees.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: A licensee will not have to take additional steps other than those required since 2009. The amendment also allows greater flexibility for a licensee to obtain and submit proof of qualifying insurance.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Licensees will not incur additional costs due to this amendment.

(c) As a result of compliance, what benefits will accrue to the entities: Licensees will be given greater flexibility in obtaining proof of qualifying insurance.

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

(a) Initially: There are no anticipated initial costs.

(b) On a continuing basis: There are no anticipated costs associated with this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is needed to implement this regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional fees or funding are necessary.

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

(9) TIERING: Is tiering applied? No tiering is applied because this regulation applies equally to the regulated entities.

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 Board of Licensure for Private Investigators.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 329A.025(2)(a), (3)(e)

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for state or local government.

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

(c) How much will it cost to administer this program for the first year? There is no additional cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There is no additional cost to administer this program for subsequent years.

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

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None

BOARDS AND COMMISSIONS
Board of Private Investigators
(Amendment)

201 KAR 41:065. Inactive status.

RELATES TO: KRS 329A.010(4), 329A.015, 329A.025, 329A.080

STATUTORY AUTHORITY: KRS 329A.025(3)(e), 329A.045(12)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 329A.025(3)(e) authorizes the board to renew licenses and consider requiring continuing education as a condition for renewal. KRS 329A.045(12) authorizes that a valid license may be put on inactive status by the licensee at the time of renewal at a cost to be determined by the board. This administrative regulation establishes the requirements for inactive licensure status, fee payment, and continuing education.

Section 1. Inactive status. (1) Inactive licensure status shall be granted[~~to a licensee~~] upon:

(a) Written request to the board at the time of renewal; and[~~in accordance with KRS 329A.045(12) and upon completion of the Renewal Application Form as referenced in 201 KAR 41:060~~]

(b) Payment of the inactive license fee established in KAR 41:040, Section 7.

(2)[~~(1)~~] A licensee with an[~~who is placed on~~] inactive license [~~status~~] shall not:

(a) Advertise or perform any of the duties established in KRS 329A.010(4);

(b) Hold[~~, or hold~~] himself out as a private investigator in violation of KRS 329A.015; or

(c) Display[~~. (2) An inactive licensee shall not display~~] the license during the period of inactive licensure.

(3) The identification card shall be returned to the board office within ten (10) days of acknowledgement of inactive status by the board.

(4) Violations committed while a license is inactive may[~~(a) Violation of the inactive status shall~~] subject the licensee to:

(a) Penalties[~~the penalties~~] associated with KRS 329A.080; and

(b) Action[~~The licensee could be subject to action~~] pursuant to KRS 329A.025(3)(g).

(5)[~~The licensee shall pay the fee for placing the license in inactive status established in 201 KAR 41:040, Section 7.~~

~~(6) The licensee shall be required to meet the requirements for continuing education as established in 201 KAR 41:070, Section 10.~~

~~(7)~~] The inactive licensee shall be required to either affirm the inactive status or request a return to active licensure each renewal cycle.

Section 2. The licensee may return to active status upon:

(1) Written notification to the board;

(2) Payment of the fee established in 201 KAR 41:040, Section 7; and

(3) Providing proof of compliance with all continuing education requirements as established in 201 KAR 41:070, Section 11[~~10~~].

RICK HESSIG, Board Chair

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on June 24, 2019 at 911 Leawood 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 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 through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jamar Carter, Board Administrator, 911 Leawood Drive, Frankfort, Kentucky 40601, phone 502-564-3296, fax 502-564-4818, email jamar.carter@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jamar Carter

(1) Provide a brief summary of:

(a) What this administrative regulation does: Establishes the procedures for a licensee to request inactive status.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to authorize licensees to request inactive licensure status.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 320A.045(12) authorizes the Board to permit a licensee to request inactive status.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the enforcement of KRS 329A.045(12) by establishing procedures for a person to request inactive status and subsequently reactivate an inactive license.

(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 removes reference to the Board's renewal application since a person is now only required to submit written notice that they choose to be placed on inactive status. It also now references 201 KAR 41:070 Section 11, rather than 201 KAR 41:070 Section 10 due to proposed amendments that will affect the section numbering of 201 KAR 41:070.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to permit a person to enter inactive status via written notification rather than filling out the renewal application.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 320A.045(12) authorizes the Board to permit a licensee to request inactive status.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist the enforcement of KRS 329A.045(12) by establishing procedures for a person to request inactive status and subsequently reactivate an inactive license.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects any licensee who chooses to place their license in inactive status.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Licensees choosing to place their license in inactive status will no longer be required to submit a renewal application and can be placed on inactive status via written notification to the Board. The licensee will not have to take any additional steps not previously required since 2009.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There are no additional costs associated with compliance of this amended regulation.

(c) As a result of compliance, what benefits will accrue to the entities: Licensees choosing to place their license in inactive status will no longer be required to submit a renewal application and can instead send written notification to the board of their intent to go on inactive status.

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

(a) Initially: There are no anticipated initial costs with this regulation.

(b) On a continuing basis: There are no anticipated costs associated with this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is needed to implement this regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional fees or funding are necessary.

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

(9) TIERING: Is tiering applied? No tiering is applied because this regulation applies equally to the regulated entities.

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 Board of Licensure for Private Investigators

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 329A.025(3)(e), 329A.045(12)

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for the state or local government.

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

(c) How much will it cost to administer this program for the first year? There is no cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There is no cost to administer this program for subsequent years.

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

Revenues (+/-): Neutral.

Expenditures (+/-): Neutral.

Other Explanation: None.

BOARDS AND COMMISSIONS
Board of Private Investigators
(Amendment)

201 KAR 41:070. Continuing professional education requirements.

RELATES TO: KRS 329A.025, 329A.045(11)

STATUTORY AUTHORITY: KRS 329A.025(2)(a), (3)(e), 329A.045(11)

NECESSITY, FUNCTION AND CONFORMITY: KRS 329A.025(3)(e) authorizes the board to renew licenses and require continuing professional education as a condition for renewal. KRS 329A.025(2)(a) authorizes the board to implement the provisions of

KRS 329A.010 to 329A.090 through the promulgation of administrative regulations. This administrative regulation establishes the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Definitions. (1) "Approved" means recognized and accepted by the Kentucky Board of Licensure for Private Investigators.

(2) "Continuing education hour" means fifty (50) clock minutes of participating in a continuing professional education experience.

(3) "Preapproved" means a program approved pursuant to Section 3 or Section 5 of this administrative regulation.

(4) "Program" means an organized learning experience:

(a) Planned and evaluated to meet behavioral objectives; and

(b) Presented in one (1) session or in a series.

(5)[~~(4)~~] "Provider" means an organization approved by the Kentucky Board of Licensure for Private Investigators for providing continuing professional education programs.

Section 2. Accrual of Continuing Education Hours; Computation of Accrual. (1) A minimum of twelve (12) continuing education hours shall be accrued by each person holding licensure during the two (2) year licensure period[~~for renewal~~].

(2) All hours shall be directly[~~in or~~] related to the field of private investigation and promote the professional growth and development of a licensed private investigator.

Section 3.[~~Methods of Acquiring Continuing Education Hours.~~

~~(1) Continuing education hours applicable to the renewal of the license shall be directly related to the professional growth and development of a licensed private investigator.~~

~~(2) They shall be earned by completing any of the following educational activities:~~

~~(a)~~] Programs Not Requiring Board Review and Approval. A program provided, officially[~~or~~] approved, or sponsored by any of the following providers[~~,~~] shall be deemed preapproved and[~~to be~~] relevant to the practice of private investigation and shall be approved without further review by the board:

(1)[~~1.~~] Kentucky Professional Investigators Association (KPIA);

(2)[~~2.~~] Kentucky Society of Professional Investigators (KSPI);

(3)[~~3.~~] Association of Certified Fraud Examiners;

(4)[~~4.~~] Association One;

(5)[~~5.~~] National Fire or Arson Certification Associations;

(6)[~~6.~~] State and local bar associations;

(7)[~~and~~

~~7.~~] Continuing education programs approved by other state licensure boards;

(8) Institute of Police Technology and Management (IPTM);

(9) Northwestern University Center for Public Safety;

(10) United States Department of Transportation Federal Motor Carrier Safety Administration (FMCSA);

(11) Michigan State University Department of Civil and Environmental Engineering;

(12) University of Kentucky Transportation Cabinet;

(13) University of Tulsa Continuing Education for Science and Engineering;

(14) Texas A&M Transportation Institute;

(15) Crash Data Group Event Data Recording Summit;

(16) Society of Automotive Engineers (SAE);

(17) National Society of Professional Insurance Investigators (NSPII);

(18) International Association of Special Investigation Units (IASIU); and

(19) National Association of Legal Investigators (NALI).

Section 4. Programs Requiring Board Review and Approval. The board may review the following to determine whether they satisfy the requirements of this administrative regulation:

(1)[~~(b)1.~~] A general education course, or elective designated to meet undergraduate or postgraduate degree requirements, shall equal twelve (12)[~~be acceptable for~~] continuing education hours per one (1) hour of academic credit if the board determines it to be relevant to the field of private investigation;

(2)[~~. 2. Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equaling twelve (12) continuing education hours; and~~

~~(c) Programs requiring board review and approval. A program from any of the following sources shall be reviewed by the board and determined whether it complies with the requirements of Section 4(2) of this administrative regulation:~~

~~1.~~] A program, including a home study course and in-service training provided by an organization or education institution not listed in Section 3 of this administrative regulation[~~subsection (1) of this section~~]; or

(3)(a)[~~2.a.~~] A program or academic course presented by the licensee. The presenting licensee[~~b. A presenter of a relevant program or academic course~~] shall earn two (2) continuing education hours for each contact hour of instruction.

(b)[~~c.~~] Credit shall not be issued for repeated instruction of the same course[~~; or~~

~~3.a. A relevant publication in a professionally recognized or juried publication.~~

~~b. Continuing education hours shall be granted for relevant publications subject to review and approval by the board~~].

Section 5[4]. Procedures for Preapproval of Continuing Education Programs. (1)(a) A continuing education provider seeking preapproval[~~to obtain approval~~] of a continuing education program[~~prior to its offering~~] shall apply to the board at least sixty (60) days in advance of the commencement of the program by submitting a completed Application for Approval for Providers to Offer Continuing Education and shall provide the information required in Section 6[~~5~~] of this administrative regulation.

(b) An approved program fee shall be paid as established in 201 KAR 41:040[~~31:040~~], Section 9.

(2) A continuing education program[~~activity~~] shall be preapproved[~~qualified for approval~~] if the board determines the program[~~activity~~]:

(a) Is an organized program of learning;

(b) Pertains to subject matter relating to private investigation;

(c) Enhances the professional competence of the licensee by:

1. Refreshing the licensee's knowledge and skills; or

2. Educating on a new topic or subject; and

(d) Is conducted by a competent instructor, as documented by academic training, professional licensures or certifications[~~certification~~], or professionally recognized experience.

(3) A licensee shall not be required to request approval for a continuing education program preapproved pursuant to this Section of this administrative regulation.

Section 6[~~5~~]. Procedures for a Licensee to Request Approval of Continuing Education Programs. (1) A licensee may request board approval for continuing education hours for a program described in Section 4 of this administrative regulation by submitting the[~~course that has not been preapproved by the board may be used for continuing education if approval is secured from the board by the continuing education provider.~~

~~(2) The~~] following information for the[~~shall be submitted for~~] board to review[~~of a program~~]:

(a) A published course or seminar description;

(b) The name and qualifications of the instructor;

(c) A copy of the program agenda indicating hours of education, coffee, and lunch breaks;

(d) Number of continuing education hours requested;

(e) Official certificate of completion or college transcript from the sponsoring agency or college; and

(f) A completed Licensee Application for Approval of Continuing Education Hours application[~~credits approval; and~~

~~(g) Approval will be for one (1) year from date of approval~~].

(2) The licensee shall redeem continuing education hours approved by the board pursuant to subsection (1) of this Section at the time of their next license renewal, reinstatement, or reactivation application following the date of approval by submitting a copy of the board's decision approving the continuing education hours.

Section 7[~~6~~]. Responsibilities and Reporting Requirements of Licensees. (1) Each licensee shall submit proof he or she completed the appropriate number of continuing education hours at the time the licensee submits his or her application for renewal, reinstatement, or reactivation of licensure[~~(a) During the licensure renewal period, the board shall require up to fifteen (15) percent of all licensees to furnish documentation of the completion of the appropriate number of continuing education hours.~~

~~(b) All copies of documentation submitted to the board shall be returned to the licensee upon completion of the audit process via regular U.S. mail, first class, postage prepaid.~~

~~(c) Verification of continuing education hours shall not otherwise be reported to the board~~].

(2) A licensee shall:

(a) Be responsible for obtaining required continuing education hours;

(b) Identify continuing education needs and seek activities that meets those needs;

(c) Seek ways to integrate new knowledge, skills, and activities;

(d) Select preapproved programs[~~approved activities by which~~] to earn continuing education hours;

(e) Submit to the board, if applicable, a request for approval for continuing education hours that have not been preapproved pursuant to[~~activities not approved as required in~~] Section 6[~~3(2)(b)~~] of this administrative regulation;

(f) Document attendance, participation in, and successful completion of continuing education programs; and[~~activity;~~]

(g) Maintain records of continuing education hours for two (2)[~~five (5)~~] years from the date of the offering of the continuing education program[~~activity; and~~

~~(h) If applicable, submit information from a continuing education course that has not been preapproved by providing to the board for review the information specified in Section 5(2) of this administrative regulation~~].

(3) The following items may be used to document attendance at continuing education programs[~~activity~~]:

(a) Transcript;

(b) Certificate;

(c) Affidavit signed by the instructor or provider; or[~~;~~]

(d) Receipt for the fee paid to the provider[~~sponsor; or~~

~~(e) Written summary of experiences that are not formally or officially documented otherwise~~].

(4) Failure to comply with the provisions of this administrative regulation shall constitute a violation of KRS Chapter 329A and may[~~shall~~] result in:

(a) Refusal to renew, reinstate, or reactivate licensure;

(b) Suspension of licensure; or

(c) Revocation of licensure.

Section 8[~~7~~]. Carry-over of Continuing Education Hours Prohibited. Continuing education hours earned in excess of those required under Section 2 of this administrative regulation shall not be carried over into any subsequent[~~the immediately following~~] licensure renewal period.

Section 9[~~8~~]. Appeal of Denial of Continuing Education Hours. (1) If an application for approval of continuing education hours submitted pursuant to Section 6 of this administrative regulation is denied, the licensee may[~~shall have the right to~~] appeal the board's decision.

(2) A notice to[~~An~~] appeal shall be:

(a) Submitted in writing and signed by the appellant;

(b) Received by the board within thirty (30) days[~~after the date~~] of the decision denying approval of continuing education hours; and

(c) Conducted in accordance with KRS Chapter 13B.

Section 10[~~9~~]. Waiver or Extensions of Time for Completion of Continuing Education. (1)[~~On application,~~] The board may grant a licensee a waiver or an extension of time to complete the continuing education requirements[~~or an extension of time within which to fulfill the requirements~~] in the following cases:

(a) Serious injury or medical disability of the licensee;

(b) Illness of the licensee or an immediate family member;

(c) Death or serious injury of an immediate family member; or

(d) Active military duty.

(2) To[~~A written~~] request a[~~for~~] waiver or extension of time to complete the continuing education requirements pursuant to this Section of this administrative regulation, a licensee shall[~~involving medical disability or illness shall be~~]:

(a) Submit the request in writing, signed by the requesting[~~Submitted by the~~] licensee; and

(b) Provide[~~Accompanied by~~] a verifying document signed by a licensed physician.

(3) A waiver of or extension of time to complete[~~within which to fulfill~~] the minimum continuing education requirements shall not exceed one (1) year.

(4) If the medical disability or illness upon which a waiver or extension of time has been granted continues beyond the period of the waiver or extension of time, the licensee shall reapply for the waiver or extension of time.

Section 11[~~10~~]. Continuing Education Requirements for Reinstatement or Reactivation of Licensure. (1) A person requesting reinstatement or reactivation of licensure shall submit evidence of receiving twelve (12) hours of continuing education within the two (2) year period immediately preceding the date that reinstatement or reactivation is requested[~~(2) The continuing education hours received in compliance with this section shall be in addition to the continuing education requirements established in Section 2 of this administrative regulation and shall not be used to comply with the requirements of that section~~].

Section 12[~~11~~]. Effective Date for the Submission of Continuing Education Hours. Licensees shall submit proof of continuing education hours obtained in the previous two (2) years at the time of their first license renewal, reinstatement, or reactivation on or after January 1, 2021, and each subsequent renewal period thereafter[~~shall be required for all licensure cycles beginning in 2008~~].

Section 13. Incorporation by Reference. (1) The following forms are incorporated by reference:

(a) "Application for Approval for Providers to Offer Continuing Education," May, 2019; and

(b) "Licensee Application for Approval of Continuing Education Hours," May, 2019.

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

RICK HESSIG, Board Chair

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on June 24, 2019 at 911 Leawood 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 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 through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jamar Carter, Board Administrator, 911 Leawood Drive, Frankfort, Kentucky 40601, phone 502-564-3296, fax 502-564-4818, email jamar.carter@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jamar Carter

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation established the procedures for a licensee to accrue and submit mandatory continuing education hours.

(b) The necessity of this administrative regulation: Because the Private Investigator practice changes with the developments in technology and Private Investigators are entrusted with sensitive material to promote their client's interests, the Board believes requiring Private Investigators to obtain consistent training is necessary to protect the public.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 329A.025 and KRS 329A.045 expressly authorize the Board to require continuing education training as a condition to renewing or reinstating a license.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists the Board in tracking qualifying continuing education programs and continuing education credit hours for licensees.

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

(a) How the amendment will change this existing administrative regulation: This amendment will require licensees to submit proof of their continuing education hours at the time their license is renewed beginning on January 1, 2021. Previously the Board required licensees to retain proof of their continuing education hours for five (5) years and the Board randomly audited fifteen percent (15%) of licensees for compliance. This amendment also adds several continuing education providers to the Board list of preapproved providers. This amendment also provides clarity regarding how a continuing education provider or licensee can request approval for continuing education programs and provides new forms to assist providers and licensees in submitting required documentation.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure equal and fair compliance among all licensees. The previous Board practice of random audits created uncertainty among licensees and is a poor mechanism to ensure licensees are complying with statutory and regulatory mandates. It also protects licensees who may have lost supporting documentation prior to their audit.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 329A.025 and KRS 329A.045 expressly authorize the Board to require continuing education training as a condition to renewing or reinstating a license.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists the Board in tracking qualifying continuing education programs and continuing education credit hours for licensees.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all licensees.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Effective January 1, 2021, all licensees will be required to submit proof of obtaining continuing education hours at the time they renew their licenses. Licensees were already required to obtain these documents and retain them for five (5) years. Licensees merely have to mail copies of the documents or submit them electronically using the Board's e-services renewal portal, rather than retain them for five (5) years.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Licensees will not incur additional costs as a result of this amendment. Licensees are already required to obtain proof of continuing education hours.

(c) As a result of compliance, what benefits will accrue to the entities: Licensees will no longer face uncertainty regarding whether they will be audited for compliance with the continuing education requirements. Licensees can also be assured that their competitors are being held to account and completed their continuing education requirements.

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

(a) Initially: There are no anticipated initial costs with this regulation.

(b) On a continuing basis: Any additional costs to the Board will be minimal and relate only to staff time expended. Board staff will be required to spend additional time verifying proof of continuing education requirements during renewal periods, but the Board does not anticipate this additional review will impose a substantial burden on Board staff.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is needed to implement this regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional fees or funding are necessary.

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

(9) TIERING: Is tiering applied? No tiering is applied because this regulation applies equally to the regulated entities.

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 Board of Licensure for Private Investigators

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 329A.025(2)(a), (3)(e), 329A.045(11)

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for the state or local government.

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

(c) How much will it cost to administer this program for the first year? There is no anticipated cost to administer this program.

(d) How much will it cost to administer this program for subsequent years? There is no anticipated cost to administer this program.

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: None.

BOARDS AND COMMISSIONS
Board of Private Investigators
(Amendment)

201 KAR 41:080. Complaint procedure.

RELATES TO: KRS 329A.025(3)(g), (i)-(k), 329A.040(2)(a), 329A.060(2), (3)

STATUTORY AUTHORITY: KRS 329A.060(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 329A.060(1) states that the board shall promulgate administrative regulations regarding the receiving and investigating of complaints. This administrative regulation establishes procedures for the filing, evaluation, and disposition of administrative complaints.

Section 1. Definitions. (1) "Chair" means the chairman or vice-chairman of the board.

(2) "Charge" means a specific allegation contained in a formal complaint, as established in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 329A, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation.

(3) "Complaint" means any written allegation of misconduct by a licensed individual or other person which might constitute a violation of KRS Chapter 329A, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation.

(4) "Complaint screening committee" means a committee consisting of up to two (2) members of the board appointed by the chair to review complaints and[,] investigative reports, and to participate in informal proceedings to resolve a [formal] complaint. In addition to board members, legal counsel for the board and one other[the Executive Director of the Division of Occupations and Professions or another] staff member may be appointed to assist the committee, but shall not have voting privileges.

(5) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests a[the] court of competent jurisdiction to take criminal or civil action.

(6) "Informal proceedings" means the proceedings instituted at any stage of the disciplinary process with the intent of resolving any matter with the consent of the board and the respondent in lieu of [reaching a dispensation of any matter without further recourse to] formal disciplinary procedures under KRS Chapter 13B.

(7) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the attorney general or the board.

(8) "Respondent" means the licensee or an unlicensed person who is the subject of a complaint.

Section 2. Receipt of Complaints. (1) A complaint[:

(a)] may be submitted by an[:

1. Individual] individual, legal entity, or the board on its own initiative.

(2) If the complaint is offered by an individual or legal entity, it shall be submitted[;

2. Organization; or

3. Entity.

(b) Shall be:

1.] in writing[;] and be

[2.] signed by the individual or a representative of the legal entity [person] offering the complaint.[(c) May be filed by the board based upon information in its possession.]

(3)[(2)] Upon receipt of a complaint:

(a) A copy of the complaint shall be sent to the respondent[individual named in the complaint along] with a request for the respondent's answer[that individual's response] to the complaint. The respondent[individual] shall be allowed a period of twenty (20) days from the date of receipt of the complaint. Failure to answer within twenty (20) days of receipt may be considered an admission to the complaint[to submit a written response].

(b) Upon receipt of the respondent's written answer[response of the individual named in the complaint], a copy of the answer[response] shall be sent to the complainant. The complainant may reply in writing within[shall have] seven (7) days from receipt of the respondent's answer[to submit a written reply to the response].

Section 3. Initial Review. (1) After the receipt of a complaint and the expiration of the period for the respondent's answer[individual's response], the complaint screening committee shall consider the respondent's answer[individual's response], complainant's reply to the answer[response], and any other relevant material available and make a recommendation to the board. The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the board determines[before formal investigation] that a complaint is without merit, it shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, it may[shall:

(a)] authorize an investigation into the matter [; and

(b) Order a report to be made to the complaint screening committee at the earliest opportunity].

(4) If the board determines it possesses sufficient evidence to issue a formal complaint without the need for a formal investigation, it may issue a formal complaint without a formal investigation.

Section 4. Results of Formal Investigation; Board Decision on Hearing. (1) Upon completion of the formal investigation, the investigator shall submit a report to the complaint screening committee of the facts regarding the complaint. The complaint screening committee shall review the investigative report and make a recommendation to the board. The board shall determine whether there has been a prima facie violation of KRS Chapter 329A or the administrative regulations promulgated thereunder and whether a formal complaint should be filed.

(2) Following the investigation, if the board determines that a complaint does not warrant the issuance of a formal complaint, it shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3)[In the case of a nonserious violation, the board shall follow the procedure established in KRS 329A.060(3).

(4)] If the board determines that a complaint warrants the issuance of a formal complaint against the respondent, counsel for the board, in conjunction with the complaint screening committee, shall prepare a formal complaint which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chair and served upon the respondent[individual] as required by KRS Chapter 13B.[The formal complaint shall be processed in accordance with KRS Chapter 13B.

(4)[(5)] Following an investigation, if the board determines that an unlicensed[a] person may be in violation of KRS 329A.015, it may[shall:

(a) Order the individual to cease and desist from further violations of KRS 329A.015; or

(b)] initiate action in circuit court pursuant to KRS 329A.025(3)(l) for injunctive relief to stop the violation of KRS 329A.015.

Section 5. Settlement by Informal Proceedings. (1) The board through counsel and the complaint screening committee may[,] at any time during this process[,] enter into informal proceedings with the respondent for the purpose of resolving[individual who is the subject of the complaint for the purpose of appropriately dispensing with] the matter.

(2) A proposed[An] agreed order or settlement reached through this process shall be approved by the board and signed by the respondent[individual who is the subject of the complaint] and the chair.

(3) The board may employ mediation as a method of resolving the matter informally.

Section 6. Notice of Service of Process. A notice required by [KRS Chapter 309 or] this administrative regulation shall be issued pursuant to KRS Chapter 13B.

Section 7. Incorporation by Reference. (1) "Complaint Form

and Instructions", (2006 Edition), is incorporated by reference.

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

RICK HESSIG, Board Chair

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on June 24, 2019 at 911 Leawood 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 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 through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jamar Carter, Board Administrator, 911 Leawood Drive, Frankfort, Kentucky 40601, phone 502-564-3296, fax 502-564-4818, email jamar.carter@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jamar Carter

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation provides the procedures for Board receipt of complaints against licensees and unlicensed persons and resolution of those complaints.

(b) The necessity of this administrative regulation: This regulation is necessary to provide information to licensees and the public on how to submit a complaint against a licensee and the licensee's rights in responding to those complaints.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 329A.060 requires the Board to promulgate regulations regarding the resolution of complaints against licensees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 329A.060 requires the Board to promulgate regulations regarding the resolution of complaints against licensees. This regulation provides the mechanism for the Board to enforce the provisions of KRS Chapter 329A.

(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 makes stylistic changes to the regulation to provide more clarity regarding the complaints process. It also directly authorizes the Board to investigate possible unlicensed practice as a private investigator and seek an injunction to stop the unlicensed practice, rather than permitting the Board to order an unlicensed person cease and desist practicing as a Private Investigator in recognition of North Carolina State Board of Dental Examiners v. FTC. It does not substantively change a licensee's rights to respond to a complaint as established under previous regulations.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide a mechanism for independent state review of a Board decision that an unlicensed person is engaging in the practice of a Private Investigator without a license.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 329A.060 requires the Board to promulgate regulations regarding the resolution of complaints against licensees. This regulation provides the mechanism for the Board to enforce the provisions of KRS Chapter 329A.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide a defensible procedure to the Board in the event an unlicensed person brings suit against the Board under the Sherman Antitrust Act because they disagree with a Board decision that they are practicing as a Private Investigator without a license.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all licensees and persons engaging in the practice of Private Investigator without a license.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Those affected by this regulation will not be required to take any additional action. This amendment makes stylistic changes to provide clarity to the complaints process and creates a mechanism for independent state review of a Board decision that a person is violating KRS 329A.015.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There are no additional costs associated with this amendment. All costs associated with this regulation are the same as they would be under the previous regulation.

(c) As a result of compliance, what benefits will accrue to the entities: Licensees will benefit from clearer language regarding their rights during a disciplinary investigation.

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

(a) Initially: There are no anticipated initial costs with this regulation.

(b) On a continuing basis: There are no anticipated costs associated with this regulation

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is needed to implement this regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional fees or funding are necessary.

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

(9) TIERING: Is tiering applied? No tiering is applied because this regulation applies equally to the regulated entities.

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 Board of Licensure for Private Investigators

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 329A.060(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. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for the state or local government.

(b) How much revenue will this administrative regulation

generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue for the state or local government.

(c) How much will it cost to administer this program for the first year? No cost is anticipated to administer this program.

(d) How much will it cost to administer this program for subsequent years? No cost is anticipated to administer this program.

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: None.

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Kentucky Board of Emergency Medical Services
(Amendment)

202 KAR 7:560. Ground vehicle staff.

RELATES TO: KRS 189.910-189.950, 311A.030, 311A.190

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030, 311A.190

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the emergency medical services system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Emergency Medical Services or the Cabinet for Health and Family Services. KRS 311A.030 requires the board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation establishes the minimum staffing requirements for ground vehicles.

Section 1. Staffing Requirements. (1) Each Class I agency BLS ambulance shall at minimum, be staffed by:

(a) A driver certified as an emergency medical technician (EMT); and

(b) An attendant certified as an emergency medical technician (EMT).

(2) Each Class I agency ALS ambulance shall at minimum be staffed by:

(a) A driver certified as an emergency medical technician (EMT); and

(b) An attendant certified as an Advanced EMT or licensed as a paramedic.

1. Each Class I ALS agency providing primary 911 emergency ambulance service shall ensure that an on-duty paramedic shall staff at least twenty-five (25) percent of the agency's staffed ambulances at any time during a twenty-four (24) hour period.

2. To ensure compliance, each agency shall maintain its work schedules from the previous twelve (12) months until reviewed during its annual inspection.

(3) Each Class I agency operating an ALS ambulance providing a BLS level of care shall at minimum be staffed by:

(a) A driver certified as an emergency medical technician (EMT); and

(b) An attendant certified as an emergency medical technician (EMT).

(4) Each Class II agency shall at minimum be staffed by:

(a) A driver certified as an emergency medical technician (EMT); and

(b) An attendant certified as an emergency medical technician (EMT).

(5) A Class III Adult Critical Care ambulance agency shall at minimum be staffed by:

(a) A driver certified as an emergency medical technician (EMT);

(b) An attendant licensed as a paramedic; and

(c) One (1) licensed:

1. Registered nurse;
2. Advanced practice registered nurse;
3. Respiratory therapist;
4. Physician assistant;
5. Physician; or
6. Additional paramedic.

(6) Each Class III Pediatric Specialty Care Ambulance Agency shall at minimum be staffed by:

(a) A driver certified as an emergency medical technician (EMT); and

(b) A primary attendant licensed as a registered nurse[~~and certified as a CCRN that is obtained within one (1) year of hire~~]; and

(c) One (1) additional attendant licensed as a:

1. Registered nurse;
2. Advanced practice registered nurse;
3. Respiratory therapist;
4. Physician assistant;
5. Physician; or
6. Paramedic.

(d) Any attendant hired after January 1, 2020 shall acquire and maintain within one (1) year of hire, a specialty certification in Pediatric Critical Care or Neonatal Critical Care acquired through successful completion of a validated examination administered by an independent entity not associated with a specific course or program of education.

(7) Each Class III Neonatal Specialty Care Ambulance Agency shall at minimum be staffed by:

(a) A driver certified as an emergency medical technician (EMT);

(b) A primary attendant licensed as a registered nurse[~~with a current certification as a CCRN or RNC-NIC that is obtained within one (1) year of hire~~]; and

(c) One (1) additional attendant licensed as:

1. An advanced practice registered nurse;
2. A respiratory therapist;
3. A physician assistant;[~~or~~]
4. A physician;[~~or~~]
5. A registered nurse; or[~~.~~]
6. Paramedic

(d) Any attendant hired after January 1, 2020 shall acquire and maintain within one (1) year of hire, a specialty certification in Pediatric Critical Care or Neonatal Critical Care acquired through successful completion of a validated examination administered by an independent entity not associated with a specific course or program of education.

(8) Each Class IV agency operating a BLS ambulance shall at minimum be staffed by:

(a) A driver certified as an emergency medical technician (EMT); and

(b) An attendant certified as an emergency medical technician (EMT).

(9) Each Class IV service operating an ALS ambulance shall at minimum be staffed by:

(a) A driver certified as an emergency medical technician (EMT); and

(b) An attendant certified as an Advanced EMT or licensed as a paramedic.

1. Each Class IV ALS agency that provides emergency and nonemergency transportation for restricted locations, such as industrial sites or other sites, shall ensure an on-duty paramedic staffs at least twenty-five (25) percent of the agency's staffed ambulances at any time during a twenty-four (24) hour period.

2. To ensure compliance, each agency shall maintain its work schedules from the previous twelve (12) months until reviewed by board staff during its annual inspection.

(10) Each Class VI BLS medical first response agency shall at minimum be staffed by a certified:

(a) Emergency medical responder (EMR); or

(b) Emergency medical technician (EMT).

(11) Each Class VI ALS medical first response agency shall at

minimum be minimally staffed by:

(a) A certified Advanced EMT; or

(b) A licensed paramedic.

(12) Each Class VIII BLS agency shall be minimally staffed by a certified:

(a) Emergency medical responder (EMR); or

(b) Emergency medical technician (EMT).

(13) Each Class VIII ALS agency shall be minimally staffed by:

(a) A certified Advanced EMT; or

(b) A licensed paramedic.

(14) Each Class I ALS, Class III ACC, Class IV ALS, and Class VI ALS agency shall have a licensed paramedic on duty at all times.

(15) At all times, the attendant shall monitor the patient and remain with the patient in the patient compartment.

(16) This administrative regulation shall not prevent an agency from utilizing staff other than those required by this administrative regulation in:

(a) Disasters;

(b) Mass casualty incidents; or

(c) Extraordinary scene conditions that would impair the safety of the patient or personnel operating at the scene.

(17) A certified emergency medical responder who was employed by a Class I, II, or III agency as a driver prior to January 1, 2018 may continue in that role if the emergency medical responder's employment relationship with the Class I, II, or III agency does not lapse.

(18) Alternative staff shall not operate a licensed vehicle unless the:

(a) Agency administrator so directs; and

(b) Vehicle is out of service and not subject to an emergency response.

Section 2. Motor Vehicle Operator Requirements. (1) Each person operating a vehicle shall:

(a) Be at least eighteen (18) years of age;

(b) Hold a valid driver's license in any state or territory of the United States; and

(c) Complete at least four (4) hours of driver training and education every two (2) years.

(2) The driver training and education shall consist of a:

(a) Review of driving a vehicle under emergency conditions;

(b) Review of KRS 189.910 through 189.950 regarding operation of emergency vehicles;

(c) Demonstration by the student of forward and back-up driving maneuvers in a controlled situation, such as in an obstacle course designed specifically for this purpose; and

(d) Review of defensive driving techniques and procedures with hands-on experience or exposure by visual aids or planned demonstrations.

Section 3. Public Notice of Negative Action. The board office shall cause to be published, on the KBEMS Web site or similar publication of the board, or otherwise disseminate, the name of any licensed agency that is fined, placed on probationary status, placed on restricted status, suspended, or had a license revoked.

PHILIP DIETZ, Chairman of the Board

APPROVED BY AGENCY: May 10, 2019

FILED WITH LRC: May 10, 2019 at 1 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 26, 2019, at 1:00 p.m. Eastern Standard Time at the Kentucky Board of Emergency Medical Services, 118 James Court, Lexington, Kentucky 40505. 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 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 through June 30, 2019. 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: Jeffrey S. Walther, Legal Counsel, Kentucky Board of Emergency Medical Services, Walther, Gay & Mack, PLC, 163 East Main Street, Suite 200, Lexington, Kentucky 40588, phone (859) 225-4714, fax (859) 225-1493, email jwalther@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeffrey S. Walther

(1) Provide a brief summary of:

(a) What this administrative regulation does: 202 KAR 7:560 establishes the minimum staffing requirements for ground vehicles.

(b) The necessity of this administrative regulation: KRS 311A.030 requires the Board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.030 by establishing the minimum staffing requirements for ground vehicles.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 311A.030 requires the Board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation establishes the minimum staffing requirements for ground vehicles.

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

(a) How the amendment will change this existing administrative regulation: This amendment will require any attendant hired after January 1, 2020 to acquire and maintain, within one year of hire, a specialty certification in Pediatric Critical Care or Neonatal Critical Care.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure that ground vehicle attendants acquire and maintain appropriate qualifications.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 311A.030 requires the Board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation establishes the minimum staffing requirements for ground vehicles.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation establishes the minimum staffing requirements for ground vehicles.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All Kentucky Licensed Ground Ambulance Services and Kentucky Medical First Response agencies.

(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: All Kentucky Licensed Ground Ambulance Services and Kentucky Medical First Response agencies will have to ensure that those attendants hired after January 1, 2020 acquire and maintain, within one year of hire, a specialty certification in Pediatric Critical Care or Neonatal Critical Care.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to any entity identified in question (3), other than administrative costs that may be incurred in recruiting and maintaining qualified attendants.

(c) As a result of compliance, what benefits will accrue to the

entities identified in question (3): The entities effected will benefit by have all attendants certified in Pediatric Critical Care or Neonatal Critical Care.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: The Board shall pay for all administrative costs of reviewing compliance with applicable requirements.

(a) Initially: There will be no cost to any entity identified in question (3), other than administrative costs that may be incurred in recruiting and maintaining qualified attendants.

(b) On a continuing basis: There will be no cost to any entity identified in question (3), other than administrative costs that may be incurred in recruiting and maintaining qualified attendants.

(6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Board of Emergency Medical Services is a state agency that receives its annual budget from the state government.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary.

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

(9) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because the amendment establishes minimum staffing certification requirements for ground vehicles, which apply to all affected entities to ensure that all affected personnel meet the minimum qualifications.

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 relate to all Kentucky Licensed Ground Ambulance Services and Kentucky Medical First Response agencies.

(2) Identify each state or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 311A.030. No federal statutes necessitate this administrative regulation.

(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? This administrative regulation will generate no 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? This administrative regulation will generate no revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? This administrative regulation will not impose any costs on state or local government.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will not impose any costs on state or local government.

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

Revenues (+/-): This administrative regulation will not generate revenue.

Expenditures (+/-): This administrative regulation will not impose any costs.

Other Explanation:

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:221. Waterfowl seasons and limits.

RELATES TO: KRS 150.010(41), 150.025(1), 150.305(1), 150.330, 150.340(1), (3), 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.360, 150.600(1), 50 C.F.R. 20, 21

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife and to regulate bag limits. KRS 150.360 authorizes the department to restrict methods of taking wildlife. KRS 150.600(1) authorizes the department to regulate the taking of waterfowl on public and private land. This administrative regulation establishes requirements for the taking of waterfowl within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.

Section 1. Definitions. (1) "Dark goose" means a Canada goose, cackling goose, white-fronted goose, or brant.

(2) "Light Goose" means a snow goose or Ross's goose.

(3) "Light Goose Conservation Order" is defined by 50 C.F.R. 21.60.

(4) "Waterfowl" is defined by KRS 150.010(41).

Section 2. (1) Except as established in 301 KAR 2:222, 2:225, or 2:226, a person shall not hunt waterfowl except during the seasons established in this administrative regulation.

(2) Hunting zones, special hunt areas, and reporting areas are established in 301 KAR 2:224.

Section 3. Season Dates. (1) The duck, coot, and merganser season shall:

(a) Begin on Thanksgiving Day for four (4) consecutive days; and

(b) Be from December 7 through[~~for fifty-six (56) consecutive days ending on the last Sunday in~~] January 31[~~of the following year~~].

(2) The dark goose season shall be from Thanksgiving Day through February 15.

(3) The light goose season shall be from Thanksgiving Day through February 15.

(4) The Light Goose Conservation Order season shall be from February 16 through March 31.

(5) A person shall not hunt a light or dark goose in:

(a) The areas of Laurel River Lake as posted by sign; or

(b) Cave Run Lake and the public land inside the boundary formed by Highways 801, 1274, 36, 211, US 60, and Highway 826.

Section 4. Ballard Zone. (1) In the Ballard Zone, as established in 301 KAR 2:224, a person hunting waterfowl shall:

(a) Not hunt or establish a blind within:

1.[~~Within~~] 100 yards of another blind; or

2.[~~Within~~] Fifty (50) yards of a property line; and

(b) Not possess more than one (1) shotgun while in a blind.

(2) The requirements of subsection (1) of this section shall not apply if the Light Goose Conservation Order, as established in Section 3 of this administrative regulation, is the only waterfowl season open, excluding falconry seasons.

Section 5. Bag and Possession Limits. (1) Ducks. The daily limit shall be six (6), which shall not include more than:

(a) Four (4) mallards;

(b) Two (2) hen mallards;

(c) Three (3) wood ducks;

(d) Two (2) black ducks;

(e) Two (2) redheads;

(f) One (1) pintail[~~Two (2) pintails~~];

(g) Three (3) scaup;

(h) One (1) mottled duck; or

(i) Two (2) canvasbacks.

(2) Coot. The daily limit shall be fifteen (15).

(3) Merganser. The daily limit shall be five (5), which shall not include more than two (2) hooded mergansers.

(4) Dark goose. The daily limit shall be five (5), which shall not include more than:

(a) Three (3) Canada geese or cackling geese, in combination;

(b) Two (2) white-fronted geese; or

(c) One (1) brant.

(5) Light goose. The daily limit shall be twenty (20), except that there shall not be a limit during the Light Goose Conservation Order season.

(6) The possession limit shall be triple the daily limit, except that there shall not be a light goose possession limit.

Section 6. Shooting Hours. A person shall not hunt waterfowl except from one-half (1/2) hour before sunrise until:

(1) Sunset, except as established in 301 KAR 2:222; or

(2) One-half (1/2) hour after sunset if hunting light geese during the Light Goose Conservation Order season.

Section 7. Falconry Waterfowl Season and Limits. (1) The light goose season shall be from Thanksgiving Day through February 15.

(2) The Light Goose Conservation Order season shall be from February 16 through March 31.

(3) The season for all other waterfowl shall be from Thanksgiving Day through February 15.

(4) The daily limit shall be three (3) waterfowl, except that there shall not be a limit on light geese during the Light Goose Conservation Order season.

(5) The possession limit shall be nine (9) waterfowl, except that there shall not be a possession limit on light geese during the Light Goose Conservation Order season.

Section 8. Permit for the Light Goose Conservation Order season. (1) A person hunting light geese during the Light Goose Conservation Order season shall first obtain a free permit by completing the online Snow Goose Conservation Order Permit process on the department's Web site at fw.ky.gov.

(2) A person hunting light geese during the Light Goose Conservation Order season shall submit a Snow Goose Conservation Order Permit Survey to the department by April 10.

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

(a) "Snow Goose Conservation Order Permit", January 2014; and

(b) "Snow Goose Conservation Order Permit Survey", January 2014.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

RICH STORM, Commissioner
DON PARKINSON, Secretary

APPROVED BY AGENCY: May 9, 2019

FILED WITH LRC: May 13, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 25, 2019 at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Mark Cramer, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email: fwpubliccomments@ky.gov.mailto:jwalther@wgmfirm.com

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark Cramer

(1) Provide a brief summary of:

(a) What the administrative regulation does: This administrative regulation establishes waterfowl seasons and bag limits within federal migratory bird hunting frameworks established in 50 C.F.R. Parts 20 and 21 according to the U.S. Fish and Wildlife Service (USFWS).

(b) The necessity of the administrative regulation: The necessity of this administrative regulation is to establish the 2019-2020 waterfowl hunting seasons in accordance with the USFWS.

(c) How does this administrative regulation conform to the authorizing statute: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife and to regulate bag limits. KRS 150.360 authorizes the department to restrict methods for the taking of wildlife. KRS 150.600(1) authorizes the department to regulate the taking of waterfowl on public and private land. 50 C.F.R. Part 20 contains season frameworks for the earliest opening and latest closing date, the maximum number of days a species is open to hunting, and daily bag and possession limits. 50 C.F.R. Part 21 defines permits and the necessary requirements to hold and possess migratory game birds before, during, and after periods open for hunting.

(d) How will this administrative regulation assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing hunting season and bag limit requirements and providing reasonable hunting opportunity consistent with state, national, and international management requirements.

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

(a) How the amendment will change the existing administrative regulation: This amendment will change the daily bag limit for pintails from two birds to one. This amendment also changes the closing date of duck season from the last Sunday in January to January 31.

(b) The necessity of the amendment to this administrative regulation: Waterfowl seasons and limits are set on an annual basis following the establishment of federal frameworks by the USFWS. It is the Department's responsibility to allow quality hunting opportunity within these federal frameworks. The bag limit reduction for pintails represents the maximum allowed by the USFWS. The duck season closing date represents a change in the USFWS framework from the last Sunday in January to January 31.

(c) How does the amendment conform to the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: There are approximately 20,000 waterfowl hunters in Kentucky that may be affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Hunters will need to comply with the amended daily bag limit for pintails and the duck season opening and closing dates.

(b) In complying with this administrative regulation or

amendment, how much will it cost each of the entities identified in question (3): There will be no additional costs to those identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be a decreased opportunity to hunt pintails, but the amendment is mandated by the USFWS. Reduced bag limits protect populations and will result in a larger population in future years. The January 31 closure date represents a move toward late season hunting that hunters have requested and a simplification of rules versus a rotating date.

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

(a) Initially: There will not be an additional cost to implement this administrative regulation initially.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of funding to be used for implementation and enforcement of this administrative regulation? The source of funding is the State Game and Fish fund.

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

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

(9) TIERING: Is tiering applied? Tiering was not applied. The same guidelines and limits apply to all waterfowl hunters.

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's Wildlife Division and Law Enforcement Division.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1), 150.360, 150.600, and 50 C.F.R. 20, 21.

(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? This amendment will not generate 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? This amendment will not generate revenue in subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs to administer this program in subsequent years.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Wildlife and Fisheries, Federal Code of Regulations, 50 C.F.R. Part 20, Migratory Bird Hunting; Part 21, Migratory Bird Permits.

2. State compliance standards. The Department of Fish and Wildlife Resources sets migratory birds seasons within the frameworks established by the U.S. Fish and Wildlife Service and published in 50 C.F.R. Parts 20 and 21.

3. Minimum or uniform standards contained in the federal mandate. 50 C.F.R. Part 20 contains season frameworks for the earliest opening and latest closing date, the maximum number of days a species is open to hunting, and daily bag and possession limits. 50 C.F.R. Part 21 defines permits and the necessary requirements to hold and possess migratory game birds before, during, and after periods open for hunting.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The federal mandate defines the regulatory frameworks that a state may allow. States are permitted to be more restrictive but not more liberal in their respective regulations. State management objectives necessitate more restrictive regulations to protect local, regional and/or state populations of birds important to Kentucky's waterfowl hunters. The greatest wintering and migrating waterfowl concentrations are located on public lands managed by the department. The department imposes more restrictive hunting regulations on these lands in effort to meet waterfowl management objectives while still providing quality hunting opportunity.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:222. Waterfowl hunting requirements on public lands.

RELATES TO: KRS 150.010(41), 150.305(1), 150.330, 150.340(1), (3), 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.360, 150.600(1), 50 C.F.R. 20, 21

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife and to regulate bag limits. KRS 150.360 authorizes the department to restrict methods of taking wildlife. KRS 150.600(1) authorizes the department to regulate the taking of waterfowl on public and private land. This administrative regulation establishes requirements for the taking of waterfowl within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.

Section 1. Definitions. (1) "Blind" means a:

(a) Concealed enclosure;

(b) Pit; or

(c) Boat.

(2) "Department blind" means a permanently fixed blind structure built by the department.

(3) "Hunt site" means a specific location where waterfowl hunting is allowed, as approved by the department or the U.S. Army Corps of Engineers.

(4) "Layout blind" means a portable blind that when fully deployed allows one (1) person to be concealed above the surface of the ground.

(5) "Party" means:

(a) A person hunting alone; or

(b) Two (2) to four (4) people who share a department blind or hunt site.

(6) "Permanent blind" means a blind left in place by a waterfowl hunter longer than twenty-four (24) hours.

(7) "Regular waterfowl season" means the open waterfowl season that does not include the Light Goose Conservation Order or the September wood duck, teal, and Canada goose seasons as established in 301 KAR 2:221 and 2:225.

(8) "Wildlife Management Area" or "WMA" means a tract of

land:

(a) Controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) That has "Wildlife Management Area" or "WMA" as part of its official name.

Section 2. Shot Requirements. A person hunting waterfowl shall not use or possess a shotgun shell:

(1) Longer than three and one-half (3 1/2) inches; or

(2) Containing:

(a) Lead shot;

(b) Shot not approved by the U.S. Fish and Wildlife Service for waterfowl hunting; or

(c) Shot larger than size "T".

Section 3. (1) Except as established in this section or in Section 4 of this administrative regulation, on a Wildlife Management Area:

(a) A person hunting waterfowl shall not:

1. Establish or hunt from a permanent waterfowl blind; or

2. Hunt within 200 yards of:

a. Another occupied hunt site; or

b. Another legal waterfowl hunting party.[~~; or~~

~~c. An area closed to waterfowl hunting;~~]

(b) A person shall not hunt in a designated recreation area or access point;

(c) More than four (4) persons shall not occupy a waterfowl blind or hunt site; and

(d) A hunter shall remove decoys and personal items daily, except that a hunter drawn for a multiday hunt may choose to leave decoys in place for the duration of the hunt.

(2) In order to establish or use a permanent waterfowl blind or hunt site on Lake Barkley, Barren River Lake, Buckhorn Lake, Green River Lake, Nolin River Lake, Paintsville Lake, Rough River Lake, Sloughs, or Doug Travis Wildlife Management Areas, a person:

(a) Shall first obtain a waterfowl blind permit from the U.S. Army Corps of Engineers or the department;

(b) May designate one (1) other person as a partner; and

(c) Shall not hold more than one (1) permit per area.

(3) A person who participates in a drawing for a hunt site permit shall:

(a) Be at least eighteen (18) years of age; and

(b) Possess:

1. A valid Kentucky hunting license;

2. A Kentucky migratory game bird and waterfowl permit; and

3. A federal duck stamp.

(4) The holder of a hunt site permit shall:

(a) Construct or establish the blind or hunt site before November 20 or forfeit the permit;

(b) Not lock a waterfowl blind; and

(c) Remove the blind and blind materials within thirty (30) days after the close of the regular waterfowl season or be ineligible for a permit the following year, unless an extension of time is granted by the department due to weather or water level conflicts.

(5) A permanent blind, department blind, or blind site not occupied by the permit holder one (1) hour before sunrise shall be available to another hunter on a first-come, first-served basis.

(6) A waterfowl blind restriction established in this section shall not apply to a falconer if a gun or archery season is not open.

Section 4. Wildlife Management Area Requirements. (1) The regular waterfowl season provisions shall apply, as established in 301 KAR 2:221, except as established in this section.

(2) The provisions of this section shall not apply to a waterfowl hunting season that opens prior to October 15, as established in 301 KAR 2:225.

(3) A person shall not:

(a) Hunt on an area marked by a sign as closed to hunting;

(b) Enter an area marked by signs as closed to public access; or

(c) Hunt a species on an area marked by signs as closed to hunting for that species.

(4) On Wildlife Management Areas in Ballard County:

(a) The shotgun shell possession limit shall be fifteen (15), except that the shotgun shell possession limit shall be twenty-five (25) if:

1. The daily bag limit for ducks is greater than three (3); and

2. The daily bag limit for Canada goose is greater than or equal to two (2); and

(b) At least one (1) person shall be eighteen (18) years of age or older if hunting in a department waterfowl blind or hunt site.

(5) At Ballard WMA:

(a) The duck, coot, merganser, and goose season shall be December 7 through January 31[~~the first Wednesday in December through the last Sunday in January~~];

(b) Youth waterfowl season shall be the first full weekend in February;

(c) A person hunting waterfowl shall not hunt on Monday, Tuesday, Christmas Eve, Christmas Day, or New Year's Day; and

(d) A person hunting waterfowl shall:

1. Apply for the waterfowl quota hunt as established in Section 5 of this administrative regulation;

2. Not hunt waterfowl on the Ohio River from fifty (50) yards upstream of Dam 53 to fifty (50) yards downstream from the southern border of Ballard WMA from October 15 through March 15;

3. Stop hunting and exit the hunting area by 2 p.m. during the regular waterfowl season, except as authorized by the department; [~~and~~]

4. Check out of the area by accurately completing the Daily Post-Hunt Survey provided by the department and submitting the survey at the department-designated drop point by 3 p.m. the day of the hunt, or be declared ineligible to hunt at Ballard WMA for the remainder of the current and following waterfowl season; and

5. Hunt in close proximity to other hunt party members so that each member of the party is within twenty-five (25) feet of another party member and no two (2) party members are more than 100 feet apart.

(6) At Boatwright WMA, including the Olmsted, Peal, and Swan Lake units:

(a) A party shall:

1. Not hunt on Monday, Tuesday, Christmas Eve, Christmas Day, or New Year's Day;

2. Obtain a daily check-in card by 8 a.m. before entering the area from December 7 through January 31[~~the first Wednesday in December through the last Sunday in January~~]; and

3. Check out the same day by:

a. Visiting the designated check station prior to 8 a.m.; or

b. Depositing the check-in card at a department-designated drop point after 8 a.m.;

(b) Duck season shall be open one-half (1/2) hour before sunrise to sunset beginning Thanksgiving Day for four (4) consecutive days on areas of Boatwright WMA that are open to hunting;

(c) A department blind or hunt site shall be assigned through a daily drawing from December 7 through[~~the last Sunday in~~] January 31;

(d) A department blind or hunt site shall be offered to another hunter on a first-come, first-served basis, if the blind or hunt site has not been assigned during the daily drawing;

(e) Waterfowl hunters shall exit the area by 2 p.m. during the regular waterfowl season;

(f) A boat blind shall not be permitted in flooded timber, except:

1. During periods of flood if no other access is possible; or

2. A mobility-impaired hunter may hunt from a boat; and

(g) A party shall only hunt waterfowl:

1. From a department blind; or

2. From layout blinds set so that all layout blinds in the party lie within a twenty-five (25) foot radius from the center of the party, and within 200 yards of a hunt site during the regular waterfowl season.

(7) On the Peal unit of Boatwright WMA:

(a) More than seven (7) parties shall not hunt at the same time on Buck Lake or Flat Lake;

(b) More than four (4) parties shall not hunt at the same time

on Fish Lake;

(c) More than three (3) parties shall not hunt at the same time on First Lake or Second Lake; and

(d) A party shall not hunt waterfowl except within twenty-five (25) feet of a hunt site during the regular waterfowl season.

(8) On the Swan Lake Unit of Boatwright WMA:

(a) A person shall not hunt waterfowl from Thanksgiving Day through[~~the first Tuesday in~~] December 6;

(b) The area open to hunting during the regular waterfowl season shall be open for the Light Goose Conservation Order season as established in 301 KAR 2:221; and

(c) Blind restrictions shall not apply to the Light Goose Conservation Order season.

(9) Lake Barkley WMA.

(a) A permanent blind shall only be established within ten (10) yards of a blind site.

(b) Waterfowl refuge areas.[~~shall be:~~]

1. The area west of the Cumberland River channel, as marked by buoys, between river mile 51, at Hayes Landing Light, south to the Tennessee Valley Authority's power transmission lines at river mile 55.5, shall be closed from November 1 through February 15; and

2. The area within Honker Bay and Fulton Bay, as marked by buoys and signs, [~~which~~] shall be closed from November 1 through March 15.

(c) A person shall not hunt from October 15 through March 15:

1. On Duck Island; or

2. Within 200 yards of Duck Island.

(10) Barren River Lake WMA. A person hunting waterfowl:

(a) May use a breech-loading shotgun along the shoreline of the Peninsula Unit; and

(b) Shall not use a breech-loading firearm elsewhere on the area.

(11) Big Rivers WMA.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) A person shall not enter a hunting area prior to 4 a.m. daily.

(12) Cedar Creek WMA.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) A person shall not enter a hunting area prior to 4 a.m. daily.

(13) Miller Welch-Central Kentucky WMA. A person shall not hunt waterfowl from October 15 through January 14.

(14) Lake Cumberland WMA. The following sections shall be closed to the public from October 15 through March 15:

(a) The Wesley Bend area, bounded by Fishing Creek, Beech Grove Road, and Fishing Creek Road; and

(b) The Yellowhole area, bounded by Fishing Creek Road and Hickory Nut Road.

(15) Dix River WMA.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) A person shall not enter a hunting area prior to 4 a.m. daily.

(16) Doug Travis WMA.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) A person shall not enter a hunting area prior to 4 a.m. daily.

(c) A person hunting waterfowl shall exit the area by 2 p.m. during waterfowl season, except as authorized by the department.

(d) On Black Lake, Fish Lake, Forked Lake, Indian Camp Lake, Number Four Lake, Town Creek Moist Soil Unit, and Upper Goose Lake, all waterfowl hunting after November 1 shall be:

1. From hunt sites assigned by a random preseason drawing; and

2. Within ten (10) yards of a hunt site, including periods of Mississippi River flooding.

(17) Grayson Lake WMA. A person shall not hunt waterfowl:

(a) Within the no-wake zone at the dam site marina;

(b) From the shore of Camp Webb;

(c) On Deer Creek Fork; or

(d) Within three-quarters (3/4) of a mile from the dam.

(18) Green River Lake WMA.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) A person shall not enter a hunting area prior to 4 a.m. daily.

(19) Kaler Bottoms WMA.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) A person shall not enter a hunting area prior to 4 a.m. daily.

(20) Kentucky River WMA.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) A person shall not enter a hunting area prior to 4 a.m. daily.

(21) Land Between the Lakes National Recreation Area.

(a) The following portions shall be closed to the public from November 1 through March 15:

1. Long Creek Pond;

2. The eastern one-third (1/3) of Smith Bay, as marked by buoys; and

3. The eastern two-thirds (2/3) of Duncan Bay, as marked by buoys.

(b) The following portions shall be closed to waterfowl hunting:

1. The Environmental Education Center; and

2. Energy Lake.

(c) A person shall possess an annual Land Between the Lakes Hunting Permit if hunting waterfowl:

1. Inland from the water's edge of Kentucky Lake or Barkley Lake; or

2. From a boat on a flooded portion of Land Between the Lakes when the lake level is above elevation 359.

(d) A person shall not hunt waterfowl on inland areas during a quota deer hunt.

(e) A person shall not establish or use a permanent blind:

1. On an inland area; or

2. Along the Kentucky Lake shoreline of Land Between the Lakes.

(f) A person hunting waterfowl shall remove decoys and personal items daily.

(22) Obion Creek WMA.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) A person shall not enter a hunting area prior to 4 a.m. daily.

(23) Ohio River Islands WMA.

(a) A person shall not hunt from October 15 through March 15 on the Kentucky portion of the Ohio River from Smithland Lock and Dam upstream to the power line crossing at approximately river mile 911.5.

(b) Stewart Island shall be closed to public access from October 15 through March 15.

(c) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(d) A person shall not enter a hunting area prior to 4 a.m. daily.

(24) Peabody WMA.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) A person shall not enter a hunting area prior to 4 a.m. daily.

(c) The following areas, as posted by signs, shall be closed to the public from October 15 through March 15:

1. The Sinclair Mine area, bounded by Hwy 176, the haul road, and Goose Lake Road; and

2. The Ken area, bounded by Wysox Road, H2 Road, H1 Road, and H6 Road.

(25) Pioneer Weapons WMA. A person hunting waterfowl:

(a) May use a breech-loading shotgun along the shoreline of Cave Run Lake; and

(b) Shall not use a breech-loading firearm elsewhere on the area.

(26) Robinson Forest WMA. The main block of the WMA shall be closed to waterfowl hunting.

(27) Sloughs WMA.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) A person shall not enter a hunting area prior to 4 a.m. daily.

(c) A person hunting waterfowl shall exit the area by 2 p.m. during the regular waterfowl season.

(d) On the Highlands Creek and Grassy Pond Powell's Lake

units, a person hunting waterfowl shall:

1. Hunt:

a. From a department blind;

b. Within twenty-five (25) yards of a hunt site; or

c. No closer than 200 yards of another hunting party; and

2. Remove decoys and personal items from the area on a daily basis.

(e) If the Ohio River reaches a level that requires boat access, a waterfowl hunter:

1. May hunt from a boat without regard to department blinds; and

2. Shall not hunt closer than 200 yards from another boat.

(f) If hunting waterfowl on the Crenshaw and Duncan Tracts of the Sauerheber Unit or the Jenny Hole Unit:

1. A person shall not hunt on a Tuesday or Wednesday;

2. A person shall hunt from a blind or a hunt site assigned by the department through a drawing as established in Section 5 of this administrative regulation;

3. A person shall not possess more than fifteen (15) shotgun shells, except that the shotgun shell possession limit shall be twenty-five (25) if:

a. The daily bag limit for ducks is greater than three (3); and

b. The daily bag limit for Canada goose is greater than or equal to two (2);

4. If under eighteen (18) years of age, a person shall be accompanied by an adult.

(g) The Crenshaw and Duncan tracts of the Sauerheber Unit shall be closed to hunting except for:

1. Waterfowl from November 1 through March 15; and

2. The modern gun deer season.

(h) The remainder of the Sauerheber Unit shall be closed to the public from November 1 through March 15.

(i) The Jenny Hole Unit shall be closed to boats from Thanksgiving Day through the last Sunday in January, except for persons participating in department-managed activities.

(j) A hunter participating in a quota waterfowl hunt at Sloughs WMA shall:

1. Hunt in close proximity to other hunt party members so that each member of the party is within twenty-five (25) feet of another party member and no two (2) party members are more than 100 feet apart; and

2. Check out of the area by accurately completing the Daily Post-Hunt Survey provided by the department and submitting the survey at the designated drop point by 3 p.m. the day of the hunt or be ineligible to hunt at Sloughs WMA for the remainder of the current and following waterfowl season.

(28) South Shore WMA.

(a) The WMA shall be closed to hunting from November 15 through January 15, except for waterfowl and dove hunting.

(b) A hunter shall use a department blind.

(c) A department blind shall be available daily on a first-come, first-served basis.

(29) Taylorsville Lake WMA.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) A person shall not enter a hunting area prior to 4 a.m. daily.

(30) Yatesville Lake WMA. The following areas shall be closed to waterfowl hunting, unless authorized by Yatesville Lake State Park:

(a) The Greenbrier Creek embayment; and

(b) The lake area north from the mouth of the Greenbrier Creek embayment to the dam, including the island.

(31) Yellowbank WMA. The area designated by a sign and painted boundary marker shall be closed to the public from October 15 through March 15.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) A person shall not enter a hunting area prior to 4 a.m. daily.

(32) J.C. Williams WMA.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) A person shall not enter a hunting area prior to 4 a.m. daily.

Section 5. Ballard WMA and Sloughs WMA Quota Hunts. (1) A person applying to hunt waterfowl on Ballard WMA or the Sauerheber Unit of Sloughs WMA shall:

(a) Apply by completing the online Ballard or Sloughs Waterfowl Quota Hunt Form process on the department's Web site at fw.ky.gov;

(b) Apply from September 1 through September 30;

(c) Pay a three (3) dollar application fee for each application; and

(d) Not apply more than one (1) time for each hunt.

(2) A person drawn to hunt at Sloughs WMA shall check in on the Sunday prior to their hunt on the department's Web site at fw.ky.gov.

(3) A person drawn to hunt may bring up to three (3) additional hunters.

(4) A person shall be declared ineligible to hunt in department waterfowl quota hunts during the remaining portion of the waterfowl season and declared ineligible to apply for any department quota hunt the following year if the hunter violates state or federal regulations while waterfowl hunting on WMAs that have a preseason or daily drawing.

(5) A party applying to hunt waterfowl on the Jenny Hole Unit of Sloughs WMA shall:

(a) Apply by attending a weekly on-site drawing at the WMA; and

(b) Designate any other party members, if applicable, prior to the drawing.

(6) A party drawn to hunt on the Jenny Hole Unit of Sloughs WMA, as established in subsection (5) of this section, shall not be allowed to change any party members after being drawn.

Section 6. State Parks. (1) Waterfowl hunting shall be prohibited, except there shall be an open waterfowl hunt December 13 through January 31 on designated areas of state parks at:

(a) Greenbo Lake;

(b) Lake Barkley;

(c) Lincoln Homestead;

(d) Nolin Lake;

(e) Paintsville Lake; and

(f) Yatesville Lake.

(2) Hunters shall check in and out each day at the designated check station.

(3) During check-in, hunters shall be provided a map showing designated areas of the park that are open to waterfowl hunting.

Section 7. Youth-Mentor and Mobility-Impaired Waterfowl Hunts. (1) There shall be youth-mentor waterfowl hunts on the Minor Clark and Peter W. Pfeiffer fish hatcheries each Saturday and Sunday in January.

(2) There shall be a mobility-impaired waterfowl hunt at Minor Clark Fish Hatchery that is held concurrently with each youth-mentor hunt.

(3) There shall be a waterfowl blind at Doug Travis WMA assigned by a random pre-season electronic drawing among all mobility-impaired applicants.

(4) A youth or mobility-impaired person shall:

(a) Apply on the department's Web site at fw.ky.gov between November 1 and November 15; and

(b) Carry a department provided postcard notification on the day of the hunt.

(5) A mobility-impaired person shall carry a mobility-impaired access permit pursuant to 301 KAR 3:026.

(6) Each youth shall be accompanied by an adult who is eighteen (18) years or older.

(7) At the youth-mentor hunts:

(a) Each youth shall not be accompanied by more than one (1) adult; and

(b) One (1) adult may accompany two (2) youths.

(8) A person shall:

(a) Hunt from an established blind; and

(b) Not change blinds.

(9) A blind shall not be used by more than four (4) hunters.

(10) A person shall only discharge a firearm from a blind.

(11) A person shall not possess more than twenty-five (25) shotshells.

(12) A waterfowl hunter, mentor, or assistant shall immediately retrieve downed birds.

(13) A person shall encase a firearm if traveling to and from a blind.

(14) A hunter at Minor Clark or Peter Pfeiffer Fish Hatcheries shall:

(a) Cease hunting by noon; and

(b) Exit the area by 1 p.m.

(15) All decoys and equipment shall be removed at the end of each day's hunt.

(16) A hunter at Minor Clark or Peter Pfeiffer Fish Hatcheries shall report harvest by depositing a completed hunt permit at the designated location.

Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Sloughs WMA Waterfowl Hunter Survey Report", 2014 edition;

(b) "Ballard or Sloughs Waterfowl Quota Hunt Form", 2014 edition;

(c) "Hatcheries Youth-Mentor/Mobility-Impaired Canada Goose Hunt Application", 2017 edition; and

(d) "Doug Travis WMA Mobility-Impaired Waterfowl Hunt Application", 2017 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

the Fish and Wildlife Commission

RICH STORM, Commissioner

DON PARKINSON, Secretary

APPROVED BY AGENCY: May 9, 2019

FILED WITH LRC: May 13, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 25, 2019 at 10 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Mark Cramer, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email: fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark Cramer

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes waterfowl seasons, bag limits and requirements on public lands within federal migratory bird hunting frameworks established in 50 C.F.R. Parts 20 and 21 according to the U.S. Fish and Wildlife Service (USFWS).

(b) The necessity of this administrative regulation: The necessity of this administrative regulation is to establish the 2019-2020 waterfowl hunting requirements on public lands in accordance with the USFWS and Department management objectives.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to establish hunting season dates, bag limits and other hunting requirements. KRS 150.360 authorizes the department to restrict methods and hunting hours for taking wildlife. KRS 150.600(1) authorizes the department to regulate the taking of waterfowl on public and private land. 50 C.F.R. Part 20 establishes season frameworks for the earliest opening and latest closing date, the maximum number of days a species is open to hunting, and daily bag and possession limits. 50 C.F.R. Part 21 defines permits and the necessary requirements to hold and possess migratory game birds before, during, and after periods open for hunting.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists the above statutes by managing waterfowl populations and hunting opportunity consistent with state and national management requirements and strategies.

(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 removes the restriction to hunting on a WMA within 200 yards of an area closed to waterfowl hunting and changes dates to conform to 2019-2020 waterfowl season dates. It also sets a distance party members must stay within while hunting at Ballard and Sloughs WMA.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide quality public hunting opportunity with minimal area use conflict that is consistent with meeting state and federal waterfowl management objectives.

(c) How the amendment conforms to the content of the authorizing statutes: See 1(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See 1(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 20,000 waterfowl hunters in Kentucky that may be affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Hunters will need to comply with the amendments listed in 2(a) above.

(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 or amended costs to those identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Hunters will benefit by the amendments removing the confusing distance buffers around areas closed to waterfowl hunting. It also clarifies distances that party members must maintain while hunting at Ballard and Sloughs WMAs.

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

(a) Initially: There will not be an additional cost to the agency to implement this administrative regulation initially.

(b) On a continuing basis: There will not be an additional cost to the agency on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

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

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

(9) TIERING: Is tiering applied? No. Tiering is not applied, as the requirements are the same for all hunters.

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 Fish and Wildlife Resources' Divisions of Wildlife and Law Enforcement will be impacted by this amendment.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1), 150.360, 150.600(1), and 50 C.F.R. Parts 20 and 21.

(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? This administrative regulation will not generate any additional funding for the first year.

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

(c) How much will it cost to administer this program for the first year? There will be no additional costs for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred for subsequent years.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Wildlife and Fisheries, Federal Code of Regulations, 50 C.F.R. Part 20, Migratory Bird Hunting; Part 21, Migratory Bird Permits.

2. State compliance standards. The Department of Fish and Wildlife Resources sets migratory birds seasons within the frameworks established by the U.S. Fish and Wildlife Service and published in 50 C.F.R. Parts 20 and 21.

3. Minimum or uniform standards contained in the federal mandate. 50 C.F.R. Part 20 contains season frameworks for the earliest opening and latest closing date, the maximum number of days a species is open to hunting, and daily bag and possession limits. 50 C.F.R. Part 21 defines permits and the necessary requirements to hold and possess migratory game birds before, during, and after periods open for hunting.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The federal mandate defines the regulatory frameworks that a state may allow. States are permitted to be more restrictive but not more liberal in their respective regulations. State management objectives necessitate more restrictive regulations to protect local, regional and/or state populations of birds important to Kentucky's waterfowl hunters. The greatest wintering and migrating waterfowl concentrations are located on public lands managed by the Department. The Department imposes more restrictive hunting regulations on these lands in effort to meet waterfowl management objectives while still providing quality hunting opportunity.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:300. Black bear seasons and requirements.

RELATES TO: KRS 150.010, 150.092, 150.170, 150.175, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.390(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of bears in any manner contrary to any provisions of KRS Chapter 150 or KAR Title 301[~~KAR~~]. This administrative regulation establishes bear hunting and chasing seasons,[~~;~~] bear hunting areas,[~~;~~] legal methods of take,[~~;~~] and permitting, checking, and recording requirements.

Section 1. Definitions. (1) "Adult" means an individual who is at least eighteen (18) years of age.

(2) "Archery equipment" means a long bow, recurve bow, or compound bow incapable of holding an arrow at full or partial draw without aid from the archer.

(3) "Arrow" means the projectile fired from a bow or crossbow.

(4) "Baited area" means an area where feed, grains, or other substances capable of luring black bears have been placed.

(5) "Bear" means the species Ursus americanus.

(6) "Bear chase permit" means a permit, which in conjunction with appropriate licenses, seasons, and methods, allows the holder to use dogs to chase a bear.

(7) "Bear permit" means a permit, which in conjunction with appropriate licenses, seasons, and methods, allows the holder to harvest one (1) black bear of either sex.

(8)[~~"Bear zone 1" means Bell, Harlan, and Letcher counties, and private land in McCreary County.~~

~~(9) "Bear zone 2" means Breathitt, Clay, Clinton, Floyd, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Leslie, Magoffin, Martin, Owsley, Perry, Pike, Pulaski, Rockcastle, Russell, Wayne, and Whitley counties.~~

~~(10)~~] "Bear Zone 3" means Adair, Bath, Boyd, Carter, Casey, Clark, Cumberland, Elliot, Estill, Fleming, Garrard, Greenup, Lee, Lewis, Lincoln, Madison, Menifee, Montgomery, Morgan, Powell, Rowan, and Wolfe counties.

(9)[~~(11)~~] "Bell Zone" means Bell County.

(10) "Chase-only season" means a designated season when a person may use dogs to chase a bear, without killing or intentionally injuring a bear.

(11)[~~(12)~~] "Crossbow" means a bow designed or fitted with a device to hold an arrow at full or partial draw without aid from the archer.

(12) "East Zone 2" means Breathitt, Clay, Floyd, Johnson, Knott, Knox, Lawrence, Leslie, Magoffin, Martin, Owsley, Perry, and Pike counties.

(13) "Firearm" means a breech or muzzle-loading rifle, shotgun, or handgun.

(14) "Harlan Zone" means Harlan County.

(15) "Letcher Zone" means Letcher County.

(16)[~~(14) "Youth bear chase permit" means a permit, which in conjunction with appropriate licenses, seasons, and methods, allows a youth to use dogs to chase a bear.~~

~~(15)~~] "License year" means the period from March 1 through the last day of February.

(17) "McCreary Zone" means McCreary County.

(18)[~~(16)~~] "Modern gun" means a rifle, handgun, or shotgun loaded from the rear of the barrel.

(19)[~~(17)~~] "Muzzleloader" means a rifle, shotgun, or handgun loaded from the discharging end of the barrel or discharging end of the receiver.

(20) "West Zone 2" means Clinton, Jackson, Laurel, Pulaski, Rockcastle, Russell, Wayne, and Whitley counties.

(21)[~~(18)~~] "Youth" means a person under the age of sixteen (16) on[~~by~~] the day of the hunt.

(22) "Youth bear chase permit" means a permit, which in conjunction with appropriate licenses, seasons, and methods, allows a youth to use dogs to chase a bear.

Section 2. Feeding Black Bears. A person shall not engage in any direct or indirect feeding of black bears.

Section 3. Bear Chase Requirements. (1) Unless exempted by KRS 150.170, a person, while using dogs to chase a bear, shall carry proof of purchase of a valid Kentucky hunting license and a valid:

(a) Bear chase permit; or

(b) Youth bear chase permit.

(2) A bear chase permit or youth bear chase permit shall only be purchased by a resident of Kentucky.

(3)[~~A bear chase permit shall be purchased on the department's Web site at fw.ky.gov from July 1 through December 31.~~

~~(4)~~] A person shall not:

(a) Kill or intentionally injure a bear during a chase-only season;

(b) Chase a bear except during daylight hours while a chase season is open;

(c) Chase a bear from a baited area:

1. While bait is present; or

2. For thirty (30) days after the bait has been removed; or

(d) Disturb a bear in a den.

(4)[~~(5) The department shall supply a Bear Chase Survey to each person purchasing a bear chase permit.~~

~~(6) A person who purchases a bear chase permit shall submit to the department a completed Bear Chase Survey by the last day of January following each bear season.~~

~~(7) A person who fails to submit a Bear Chase Survey shall be ineligible to purchase a bear chase permit for the following year's chase seasons.~~

~~(8)~~] A person shall only use a dog to chase a bear on private land with permission of the landowner in all bear zones [~~1, 2, and 3~~], except that it shall be prohibited to chase bears with dogs in the McCreary Zone[~~County~~].

Section 4. Chasing Bears with Dogs. A person shall not use a dog to chase a bear except during the seasons established in subsections (1) and (2) of this section.

(1) The chase-only season shall be from:

(a) July[~~August~~] 1 through August 31; and

(b) September 9 through September 30; and

(2) The bear quota hunt with dogs season shall be pursuant to Section 8(1) of this administrative regulation.

Section 5. Bear Permit Requirements. Unless exempted by KRS 150.170, a person hunting a bear shall possess proof of purchase of a valid Kentucky hunting license and the appropriate valid bear permit or permits while hunting during the seasons established in Section 8(1) of this administrative regulation.

Section 6. Hunter Restrictions. (1) A person shall not:

(a) Harvest a bear except during daylight hours;

(b) Use a dog during the modern gun, archery - crossbow, or muzzleloader season for bears, except leashed tracking dogs may be used to recover a wounded or dead bear;

(c) Hunt bear on a baited area:

1. While bait is present; or

2. For thirty (30) days after the bait has been removed;

(d) Harvest:

1. A female bear that has a cub; or

2. A bear that weighs less than seventy-five (75) pounds;

(e) Harvest a bear that is swimming;

(f) Harvest a bear if the person is in a vehicle, boat, or on horseback, except that a hunter in possession of a disabled hunting exemption permit issued by the department may use a stationary vehicle as a hunting platform;

(g) Harvest a bear in a den; [~~or~~]

(h) Disturb a bear in a den for the purpose of taking the bear if the bear exits the den; or

(i) Use radio telemetry equipment to locate a bear that is equipped with a radio-tracking collar.

(2) An adult shall accompany and maintain control of a youth who is hunting bear with a firearm.

Section 7. Weapon Restrictions. (1) A person shall only use the weapons and ammunition established in paragraphs (a) through (e) of this subsection to take a bear:

(a) A crossbow or archery equipment loaded with a broadhead of seven-eighths (7/8) inch or wider upon expansion;

(b) A firearm:

1. With an action that fires a single round of ammunition upon each manipulation of the trigger;

2. Of .270 caliber or larger; and

3. Loaded with centerfire, single projectile ammunition designed to expand upon impact;

(c) A muzzleloader of .50 caliber or larger;

(d) A shotgun of twenty (20) gauge or larger loaded with a shell containing one (1) projectile; or

(e) A handgun loaded with:

1. Centerfire cartridges;

2. Bullets of .270 caliber or larger designed to expand upon impact; and

3. Cartridges with a case length of 1.285 inches or larger.

(2) A crossbow shall contain a working safety device.

(3) A bear hunter shall not use a magazine capable of holding more than ten (10) rounds.

(4) A bear hunter may use archery, crossbow, or muzzleloader equipment to take a bear during bear modern gun season.

Section 8. Bear Season Dates and Bag Limits. (1) A legal bear hunter shall only kill a bear in the open bear zones during the seasons established in paragraphs (a) through (c)[~~(d)~~] of this subsection:

(a) The archery – crossbow season for bears, which shall be for seven (7) consecutive days beginning on the fourth Saturday in October in all bear zones, except Bear Zone 3 [~~1 and 2~~];

(b) The modern gun season for bears, which shall be for seven (7) consecutive days beginning on the second[~~third~~] Saturday in December in all bear zones[~~1 and 2~~]; and

(c) The bear quota hunt with dogs season, which shall be for fourteen (14) consecutive days beginning on the third Monday[~~Saturday~~] in October in all bear zones, except the McCreary Zone[~~1, 2, and 3.~~

~~(d) The muzzleloader season for bears, which shall be for nine (9) consecutive days beginning on the second Saturday in December in bear zone 3~~].

(2) A person shall not harvest more than one (1) bear in a license year.

Section 9. Bear Season Closure. (1) The archery - crossbow season for bears in each open bear zone[~~1~~] shall close after daylight hours on the day the quotas established in paragraphs (a) through (f) of this subsection have[~~following quota has~~] been reached.

(a) Bell Zone, two (2) female bears;

(b) East Zone 2, two (2) female bears;

(c) Harlan Zone, two (2) female bears;

(d) Letcher Zone, two (2) female bears;

(e) McCreary Zone, one (1) female bear; and

(f) West Zone 2, two (2) female bears.

(2) The modern gun season for bears in each open bear zone shall close after daylight hours on the day the quotas established in paragraphs (a) through (g) of this subsection have been reached.

(a) Bell Zone, two (2) female bears;

(b) East Zone 2, three (3) female bears;

(c) Harlan Zone, two (2) female bears;

(d) Letcher Zone, two (2) female bears;

(e) McCreary Zone, one (1) female bear;

(f) West Zone 2, three (3) female bears; and

(g) Zone 3, two (2) female bears.

(3) The quota hunt with dogs season for bears in each open bear zone will close after daylight hours on the day the quotas established in paragraphs (a) through (f) of this subsection have been reached.

(a) Bell Zone, one (1) female bear;

(b) East Zone 2, two (2) female bears;

(c) Harlan Zone, two (2) female bears;

(d) Letcher Zone, two (2) female bears;

(e) West Zone 2, two (2) female bears; and

(f) Zone 3, one (1) female bear.

(4) A bear hunter shall call 800-858-1549 after 9 p.m. each day of any open bear season to determine if the quota has been reached for that season.[~~:~~

~~(a) Five (5) bears; or~~

~~(b) Two (2) female bears.~~

~~(2) The archery – crossbow season for bears in bear zone 2 shall close after daylight hours on the day the following quota has been reached:~~

~~(a) Ten (10) bears; or~~

~~(b) Four (4) female bears.~~

~~(3) The modern gun season for bears in bear zone 1 shall close after daylight hours on the day the following quota has been reached:~~

~~(a) Five (5) bears; or~~

~~(b) Two (2) female bears.~~

~~(4) The modern gun season for bears in bear zone 2 shall close after daylight hours on the day the following quota has been reached:~~

~~(a) Fourteen (14) bears; or~~

~~(b) Four (4) female bears.~~

~~(5) The bear quota hunt with dogs season in bear zone 1 shall close after daylight hours on the day the following quota has been reached:~~

~~(a) Three (3) bears; or~~

~~(b) Two (2) female bears.~~

~~(6) The bear quota hunt with dogs season for bears in bear zones 2 and 3 shall close after daylight hours on the day the following quota has been reached:~~

~~(a) Eight (8) bears; or~~

~~(b) Three (3) female bears.~~

~~(7) The muzzleloader season for bears in bear zone 3 shall close after daylight hours on the day the following quota has been reached:~~

~~(a) Five (5) bears; or~~

~~(b) Three (3) female bears.~~

~~(8) A bear hunter shall call 800-858-1549 after 9 p.m. each day of any open bear season to determine if the annual quota has been reached.~~]

Section 10. Bear Quota Hunt with Dogs Requirements. (1) A person shall only harvest a bear using a legal weapon with the use of unleashed dogs that are actively pursuing, chasing, baying, or treeing a bear prior to harvest.

(2) A dog used to harvest bears shall be a purebred or a crossbreed of the recognized dog breeds established in paragraphs (a) through (l) of this subsection.

(a) Airedale;

(b) American black and tan coonhound;

(c) Black mouth cur;

(d) Bluetick coonhound;

(e) English coonhound;

(f) Leopard cur;

(g) Majestic tree hound;

(h) Mathis;

(i) Mountain cur;

(j) Plott hound;

(k) Redbone coonhound; or

(l) Treeing walker coonhound.

(3) The bear quota hunt with dogs season shall also be open as a chase-only season for any person who possesses a valid bear chase permit, even if the quota has been met.

Section 11. Hunter Orange Clothing Requirements. (1) During any modern gun or muzzleloader season for bears, a person hunting any species, and any person accompanying a hunter, shall display solid, unbroken hunter orange visible from all sides on the head, back, and chest, except these requirements shall not apply to a person hunting:

(a) Waterfowl; or

(b) Furbearers at night during a legal furbearer season.

(2) The hunter orange portions of a garment worn to fulfill the requirements of this section:

(a) May display a small section of another color; and

(b) Shall not have mesh weave openings exceeding one-fourth (1/4) inch by any measurement.

Section 12. Bear Reserves. [~~(1)~~]The areas[~~within bear zone 1 as~~] established in subsections (1) through (3) of this section[~~paragraphs (a) through (d) of this subsection~~] shall be closed to bear hunting.[~~:~~]

(1)[~~(a)~~] Cumberland Gap National Historical Park;

(2)[~~(b)~~] Hensley-Pine Mountain Wildlife Management Area; and

(3)[~~(c)~~] Big South Fork National River and Recreation Area[~~; and~~

~~(d) The area surrounding Hensley-Pine Mountain Wildlife Management Area: starting at the intersection of Sand Hill Bottom Road and North US Hwy 119 in Cumberland, the boundary proceeds northeast along North US Hwy 119 to the intersection of US Hwy 119 and Kentucky Hwy 2035. The boundary then proceeds west along Kentucky Hwy 2035 to the intersection of Kentucky Hwy 2035 and Kentucky Hwy 931. The boundary continues southwest along Kentucky Hwy 931 to the intersection of Kentucky Hwy 931 and Kentucky Hwy 160, then proceeds southwest along Kentucky Hwy 160 to the intersection of Kentucky Hwy 160 and Kentucky Hwy 463 in Gordon. The boundary then proceeds south and east along Kentucky Hwy 160 to the intersection of Kentucky Hwy 160 and Sand Hill Bottom Road in Cumberland, then south along Sand Hill Bottom Road to the intersection with North US Hwy 119, completing the boundary.~~

~~(2) Kentucky resident landowners, their spouses, and dependent children may hunt bears on their own property within the closed area established in subsection (1)(d) of this section~~].

Section 13. Harvest Recording and Check-in Requirements. (1) Immediately after harvesting a bear, and before moving the carcass, a person shall record on a hunter's log the:

(a) Species taken;

(b) Date taken;

(c) County where taken; and

(d) Sex of the bear.

(2) A person who has harvested a bear shall:

(a) Retain a completed hunter's log;

(b) Telecheck the bear by 8 p.m. Eastern Standard Time the day the bear was harvested by:

1. Calling 800-245-4263 and completing the telecheck process or checking the bear on the department's Web site at fw.ky.gov; and

2. Recording the confirmation number on the hunter's log;

(c) Arrange for department personnel to inspect the bear by:

1. Calling the department at 800-858-1549 within twenty-four (24) hours of harvest; and

2. Presenting to department personnel the bear carcass or an intact hide that contains the skull and proof of sex by including the attached:

a. Testicles, scrotum, or penis for a male bear; or

b. Udder or vulva for a female bear; and

(d) Attach to the carcass a department issued tag after having the bear inspected by department personnel. [~~Section 14. Incorporation by Reference. The "20__ Bear Chase Survey", 2014 edition is incorporated by reference.~~

~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., Eastern Time.~~]

RICH STORM, Commissioner
DON PARKINSON, Secretary

APPROVED BY AGENCY: May 9, 2019

FILED WITH LRC: May 13, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 25, 2019 at 11 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Mark Cramer, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark Cramer

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes black bear chase and hunt seasons, chase and hunt requirements, bag limits, and legal methods of take.

(b) The necessity of this administrative regulation: To establish bear hunting season requirements and methods of take to provide reasonable hunting and chasing opportunity, while properly managing bear populations in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations to establish open seasons for the taking of wildlife, regulate bag limits, and to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of bears in any manner contrary to any provisions of Chapter 150 or its regulations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in administering the above statutes by defining the seasons, bag limits, and methods of chase and take used to manage black bears in Kentucky.

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

(a) How the amendment will change this existing administrative regulation: This amendment will adjust the bear quotas available for harvest, remove the quota on male bears, adjust the bear zone delineations, establish a gun season across all bear zones, remove the muzzleloader hunt in zone 3, and reopen public land to hunting in McCreary County. Further, the amendment will clarify the quota hunt with dogs regulatory language, move the quota hunt with dogs back two days, remove the requirement of a bear chase survey, and add the month of July to the dog chase season. Finally, this amendment will prohibit the use of radio telemetry to locate bears for any purpose.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to improve hunter opportunity by adjusting harvest quotas and zones without negatively impacting the population. Clarification of the language surrounding the quota hunt with dogs will help fill an easily exploited loophole and establish a level of fairness for this season.

(c) How the amendment conforms to the content of the authorizing statutes: See 1(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See 1(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All hunters that pursue black bears will be affected by this regulatory amendment. In 2018, there were 1241 licensed bear hunters in Kentucky.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Those who hunt bear must comply with the individual requirements and restrictions for respective hunt or chase-only seasons for bears.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost for a bear chase permit is $30, a youth bear chase permit is $10, a resident bear permit is $30, a resident youth bear permit is ten dollars $10, and a non-resident bear permit is $250, pursuant to 301 KAR 3:022.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Hunting opportunity will be increased while ensuring a sustainable bear population for the future. Additionally, the clarifications made to the quota hunt with dogs language will help ensure these hunters get a fair opportunity to pursue bears during this season.

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

(a) Initially: There will be a small administrative cost to the department to implement this regulation.

(b) On a continuing basis: There will be a small cost to the department on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

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

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees nor does it indirectly increase any fees.

(9) TIERING: Is tiering applied? No. Tiering was not used because all persons who hunt bear are required to abide by 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 Kentucky Department of Fish and Wildlife Resources' Divisions of Wildlife and Law Enforcement will be impacted by this amendment.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1) and 150.390(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? For the 2018 bear season, the total amount of revenue generated through permit sales was $41,730. The amount of revenue generated by this administrative regulation for the first year will likely be similar.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The amount of revenue generated by this administrative

regulation for subsequent years is unknown, but will likely be similar to 2018.

(c) How much will it cost to administer this program for the first year? There will be a small administrative cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be a small administrative cost incurred in subsequent years.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

DEPARTMENT OF AGRICULTURE
Division of Regulation and Inspection
(Amendment)

302 KAR 16:010. Business identification number required.

RELATES TO: KRS 247.234

STATUTORY AUTHORITY: KRS 247.234

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.234(2) requires the Commissioner of the Department of Agriculture to promulgate administrative regulations for the process of application for a business identification number. This administrative regulation establishes the criteria for obtaining a business identification number to operate an amusement ride or attraction.

Section 1. Definition. "Business Identification Number" means a number identifying the individual or business entity owner of an amusement ride or amusement attraction and the specific ride or attraction to which it is assigned. Each amusement ride or amusement attraction shall require a Business Identification Number that is unique to that amusement ride or amusement attraction.

Section 2. A business identification number shall be required to operate an amusement ride or amusement attraction in this state, and shall be valid for one (1) year from the date of issuance, in accordance with KRS 247.234(3)(a). A business identification number shall not be transferred or assigned.

Section 3. Procedure for Obtaining a Business Identification Number. (1) Every owner of an amusement ride or amusement attraction seeking to operate in Kentucky shall submit an application for a business identification number along with the fee for each required initial safety inspection required by 302 KAR 16:020.

(2)(a)The owner of the amusement ride or amusement attraction shall provide a written itinerary indicating:

1. The location of the first setup;

2. All future operating dates and locations, including addresses;

3. The operating period at each location;

4. The names of all rides requiring initial safety inspections pursuant to KRS 247.234(2)(d); and

5. All rides or attractions being operated at each location.

(b) The itinerary shall be delivered to the department at least fourteen (14) days prior to the first scheduled setup and shall be updated in writing immediately if cancellations are made or additional locations added.

(c) The itinerary shall be submitted in writing including by facsimile or electronic mail.

(3) Except as provided in subsection (4) of this section, the applicant shall provide proof of liability insurance in the amount of $500,000 per occurrence for bodily injury or death, for each amusement ride or amusement attraction.

(a) The proof of insurance shall include a statement that the insurer shall not cancel the policy without thirty (30) days written notice to the commissioner.

(b) Proof of insurance shall be either the policy or a certified statement issued by the insurer and shall include:

1. A listing of all amusement rides and amusement attractions insured; or

2. A statement that all amusement rides and amusement attractions operated under the supervision of the insured are covered in the policy.

(4) If the applicant's amusement rides or amusement attractions are permanently located or erected, he may, instead of providing proof of liability insurance, provide proof of financial responsibility in at least the amount of $500,000 on or before the date of the initial safety inspection. Proof of financial responsibility shall be shown by one (1) of the following methods:

(a) Proof of liability insurance of $500,000 per occurrence for bodily injury or death;

(b) A financial statement, certified by a licensed certified public accountant, dated no more than thirty (30) days prior to the application date, indicating a net worth of $500,000 or more in assets located in the state; or

(c) An irrevocable letter of credit to the department in the amount of $500,000.

Section 4. Upon receipt of a complete application, applicable fees, proof of liability insurance or financial responsibility, and a complete itinerary, shall a business identification number be issued in the name of the applicant. If all items required are not physically available to the inspector when the initial safety inspection takes place, the inspector shall not perform the initial safety inspection and a business identification number shall not be issued. The business identification number certificate shall be available for inspection at all times. If the business identification number holder is operating in multiple locations, a clear and legible copy of the business identification number shall be displayed.

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

(a) "Business Identification Number Application for Rides and Attractions", 08/08;

(b) "Itinerary of Mobile Operators", 03/03; and

(c) "Itinerary of Permanent Fixed Locations", 03/03.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Agriculture, Division of Regulation and Inspection, 107[~~111~~] Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

RYAN F. QUARLES, Commissioner

APPROVED BY AGENCY: May 1, 2019

FILED WITH LRC: May 7, 2019 at 1 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2019 at 10:00 a.m., at the Kentucky Department of Agriculture, 111 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 through June 30, 2019. 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, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 782-0284, fax (502) 564-2133, email clint.quarles@ky.gov.

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 creates the general provisions for obtaining a business identification number (BID).

(b) The necessity of this administrative regulation: This regulation is necessary to comply with the statutory requirement that eligible amusement rides and attractions be regulated by the KDA.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 247.234 required a BID. This administrative regulation creates the requirements for obtaining one.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the general requirements for BID issuance.

(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 filing clarifies what the numerics on a BID include.

(b) The necessity of the amendment to this administrative regulation: This regulation is necessary to clearly communicate the contents of the BID

(c) How the amendment conforms to the content of the authorizing statutes: KRS 237.234 requires a BID. This amendment clarifies what the actual BID number contains.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the general requirement the BID

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 739 amusement ride companies had BIDs issued in the last year.

(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: Regulated entities would need do nothing to comply with this filing, as these records are generally being kept already.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated or anticipated with this filing.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will continue to be permitted to operate amusement rides and attractions.

(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: State funds and program fees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees are associated with this filing.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are created directly or indirectly.

(9) TIERING: Is tiering applied? No. All regulated entities have 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 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 247.234

(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? This filing will not create revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This filing will not create revenue, now nor in the future.

(c) How much will it cost to administer this program for the first year? No changes to current costs will occur.

(d) How much will it cost to administer this program for subsequent years? No changes to current costs will occur.

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
Department of Agriculture
Division of Regulation and Inspection
(Amendment)

302 KAR 16:020. Inspection and operation of amusement rides or amusement attractions.

RELATES TO: KRS 247.232, 247.234(3), 247.236(3)

STATUTORY AUTHORITY: KRS 247.234, 247.236

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.234(3)(b) and (d) require the department to promulgate administrative regulations establishing initial safety inspection fees and safety requirements for amusement rides or attractions. KRS 247.236(3) requires the department to promulgate an administrative regulation establishing the requirements for the construction of safety barriers around an amusement ride or attraction. This administrative regulation establishes safety guidelines for the operation and inspection of amusement rides or attractions and establishes the initial safety inspection fees.

Section 1. Definitions. (1) "Air inflatable device" means an object that is filled with air by an electric motor-driven blower.

(2) "Dark ride" means an amusement ride or amusement attraction enclosed and with the lights turned off during the duration of the ride, and is a nonmechanized self-propelled amusement.

(3) "Go-cart facility" means an amusement ride or amusement attraction that carries a rider on a fixed path and includes the vehicle that travels the fixed path.

(4) "Inspection fee" means a fee required to be paid to operate any amusement ride or amusement attraction in Kentucky.

(5) "Kiddie ride" means an amusement ride or amusement attraction that has a height requirement of forty-two (42) inches or less to ride.

(6) "Major ride" means any ride that:

(a) Has height requirement of forty-three (43) inches or greater to ride; and

(b) Does not have a specific fee established for it in Section 2 of this administrative regulation.

(7) "Play port" means an object designed for use by children on which a child can swing, walk, climb, or slide, and that follows a fixed path.

(8) "Steel roller coaster" means roller coaster of which the track portion is constructed of steel or other metal material.

(9) "Walk through" means a fun house or[~~,~~] glass house[~~, or laser tag~~] that is nonmechanized and self-propelled.

(10) "Water ride" means an amusement ride or amusement

attraction that uses water as a means of propulsion and includes bumper boats and water park slides that are in excess of fifteen (15) feet at the highest point of the slide.

(11) "Wooden roller coaster" means a roller coaster of which the track portion is constructed of wood material.

Section 2. (1) All amusement ride and amusement attractions operating in Kentucky shall bear an initial safety inspection seal. Following an initial safety inspection, an initial safety inspection seal shall be affixed to a permanent and accessible section of the amusement ride or amusement attraction.

(2) If the required initial safety inspection seal does not appear on the amusement ride or amusement attraction, operation of the amusement ride or amusement attraction shall be stopped until proof of an initial inspection is provided.

Section 3. Initial safety inspection fees, and any required re-inspection fees, shall be levied for each amusement ride and amusement attraction. The initial safety inspection fees shall be assessed as established in subsections (1) through (12) of this section. (1) Air inflatable devices shall be fifty (50) dollars.

(2) Kiddie rides shall be seventy-five (75) dollars.

(3) Play port shall be seventy-five (75) dollars.

(4) Water rides shall be seventy-five (75) dollars.

(5) Dark rides shall be seventy-five (75) dollars.

(6) Walk throughs and glass houses shall be seventy-five (75) dollars.

(7) Tracked[~~or trackless~~] trains shall be $100.

(8) Go cart facility shall be $125.

(9) Major rides shall be $150.

(10) Steel roller coaster shall be $200.

(11) Wooden roller coaster shall be $300.

(12) Any amusement ride or amusement attraction not listed in this section shall be $150.

(13) Any necessary re-inspection as provided in KRS 247.234(4)(a) shall be for twice the amount listed above.

Section 4. All new permanent amusement rides and amusement attractions shall have all required state and local permits before the initial safety inspection.

RYAN F. QUARLES, Commissioner

APPROVED BY AGENCY: May 1, 2019

FILED WITH LRC: May 7, 2019 at 1 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2019 at 10:00 a.m., at the Kentucky Department of Agriculture, 111 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 through June 30, 2019. 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, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 782-0284, fax (502) 564-2133, email clint.quarles@ky.gov.

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 creates the general provisions for initial safety inspections and seals.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with the statutory requirement that eligible amusement rides and attractions must be inspected for safety prior to operation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 247.234 requires an inspection. This administrative regulation describes what is needed of the operator and the cost.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the general requirements for inspections.

(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 filing clarifies the fee for a re-inspection if required, and removes the cost for trackless trains.

(b) The necessity of the amendment to this administrative regulation: This regulation is necessary to clearly communicate the fee for a re-inspection if required, and removes the cost for trackless trains.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 237.234 allows for charging for required re-inspections. This regulation is necessary to clearly communicate the fee for a re-inspection if required, and removes the cost for trackless trains.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the cost of re-inspection.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 739 amusement ride companies had BIDs issued in the last year.

(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: Regulated entities would need do nothing to comply with this filing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated or anticipated with this filing. Should a re-inspection be required, the fee is clearly now listed in the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will continue to be permitted to operate amusement rides and attractions.

(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: State funds and program fees.

(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 filing does alter the fee section insofar as re-inspection fees are now clearly listed.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: Fees are directly established.

(9) TIERING: Is tiering applied? No. All regulated entities have 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 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 247.234

(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? This filing does create revenue through fees. In 2018, the fees collected were XXXX

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This filing will not create revenue, now nor in the future.

(c) How much will it cost to administer this program for the first year? No changes to current costs will occur.

(d) How much will it cost to administer this program for subsequent years? No changes to current costs will occur.

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
Department of Agriculture
Division of Regulation and Inspection
(Amendment)

302 KAR 16:040. Correction of safety violations and right to reinspection.

RELATES TO: KRS 247.232, 247.234, 247.236

STATUTORY AUTHORITY: KRS 247.234, 247.236

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.234 authorizes the Commissioner of the Department of Agriculture to promulgate administrative regulations for safety inspections for amusement rides or attractions. This administrative regulation establishes procedures for the correction of safety violations by amusement rides or attractions.

Section 1. If a department safety inspector finds an amusement ride or attraction does not comply with KRS 247.232 to 247.236, 302 KAR 16:010 through 302 KAR 16:140, or manufacturer standard, the inspector shall issue a stop operation order prohibiting the operation of the amusement ride or attraction, or any part thereof, found to be in violation. The stop operation order shall be removed from the amusement ride, amusement attraction, or structure only when the violation has been corrected and then only by a department safety inspector. A stop operation order shall not be issued for any violation found to be correctable as defined in 302 KAR 16:030. Any amusement ride that that requires a reinspection shall be subject to the applicable fee in 302 KAR 16:020.[~~Section 2. If, upon reinspection of an amusement ride or attraction under a stop operation order, it is found that the safety violation has been corrected within twenty-four (24) hours, the owner shall not be charged a reinspection fee as authorized by KRS 247.234.~~]

Section 2[~~3~~]. If a safety inspector determines an amusement ride or attraction present an imminent danger, the inspector shall issue and attach a stop operation order against the use of the amusement ride or attraction. The order shall not be removed until the device is made safe, and then only by a safety inspector.

RYAN F. QUARLES, Commissioner

APPROVED BY AGENCY: May 1, 2019

FILED WITH LRC: May 7, 2019 at 1 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2019 at 10:00 a.m., at the Kentucky Department of Agriculture, 111 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 through June 30, 2019. 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, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 782-0284, fax (502) 564-2133, email clint.quarles@ky.gov.

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 creates the general provisions for initial safety inspections and seals.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with the statutory requirement that eligible amusement rides and attractions must be inspected for safety prior to operation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 247.234 requires an inspection. This administrative regulation describes what is needed of the operator and the cost.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the general requirements for inspections.

(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 filing clarifies the fee for a re-inspection if required.

(b) The necessity of the amendment to this administrative regulation: This regulation is necessary to clearly communicate the fee for a re-inspection if required.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 237.234 allows for charging for required re-inspections. This regulation is necessary to clearly communicate the fee for a re-inspection if required.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the cost of re-inspection.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 739 amusement ride companies had BIDs issued in the last year.

(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: Regulated entities would need do nothing to comply with this filing as this is an optional event.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated or anticipated with this filing. Should a re-inspection be required, the fee is clearly now listed in the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will continue be permitted to operate amusement rides and attractions.

(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: State funds and program fees.

(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 filing does alter the fee section insofar as re-inspection fees are now clearly listed.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: Fees are directly established.

(9) TIERING: Is tiering applied? No. All regulated entities have 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 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 247.234

(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? This filing does create revenue through fees. In 2018, the fees collected were $198,425.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Approximately $200,000 annually.

(c) How much will it cost to administer this program for the first year? No changes to current costs will occur.

(d) How much will it cost to administer this program for subsequent years? No changes to current costs will occur.

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
Department of Agriculture
Division of Regulation and Inspection
(Amendment)

302 KAR 16:070. Reports of injuries involving amusement rides and amusement attractions.

RELATES TO: KRS 247.233

STATUTORY AUTHORITY: KRS 247.233

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.233 requires amusement ride and attraction owners to submit a written report following an accident or specified incident and requires the department to conduct mandatory investigations of amusement ride and attraction accidents and incidents. This administrative regulation establishes requirements for submission of the report and when the mandatory incident investigation shall occur.

Section 1. Amusement ride or attraction owners who are required to file a written incident report shall immediately call the department to report relevant information. The required notice to the department shall be furnished within twelve (12) hours after the incident, and[~~through~~] the written accident report within twenty-four (24)[~~twelve (12)~~] hours of notice of the incident.

Section 2. Incident Reports. A written report shall be filed by the owner of an amusement ride or amusement attraction if any of the following occurs as a result of an accident or incident involving an amusement ride or amusement attraction or equipment:

(1) The events listed in KRS 247.233(1)[~~247.233(2)~~];

(2) Any sudden, unplanned, non-accidental stoppage of the ride; or

(3) Structural or major mechanical failure of an amusement ride or amusement attraction.

Section 3. Where to Report. (1) If any event specified in Section 2 of this administrative regulation occurs, the owner shall immediately report the event by telephoning the Department of Agriculture, Division of Regulation and Inspection at (502) 573-0282.

(2) If a written report is required, the report shall be submitted within twenty-four (24)[~~twelve (12)~~] hours to the Department of Agriculture, Division of Regulation and Inspection, 111 Corporate Drive, Frankfort, Kentucky 40601. The report may also be submitted via the department's Web site, http://www.kyagr.com/consumer/ri/rides/AmusementRidesandAttractions.htm. The written report shall contain the following information:

(a) The date and time of the incident or accident;

(b) The date and time the report was completed;

(c) The location of the incident or accident;

(d) A description of the incident or accident;

(e) The name, address, phone number, and business identification number of the owner or company for the amusement ride or amusement attraction;

(f) The name and address of each operator of the amusement ride or amusement attraction;

(g) The name, serial number, and manufacturer of the amusement ride or amusement attraction, if known;

(h) The name, address, phone number, gender, and age of the injured person, if any;

(i) The nature and extent of the injury;

(j) The name and location of the treating facility or person; and

(k) The address, telephone number, and printed and signed name of the person completing the report.

Section 4. Incident Investigation. (1) The department shall initiate an incident investigation within twelve (12) hours of the initial notification of an event requiring an incident report.

(2) Pending the completion of an incident investigation, the amusement ride or amusement attraction shall not be operated, moved, cleaned, or repaired without written approval of the department other than as necessary for life or safety.

RYAN F. QUARLES, Commissioner

APPROVED BY AGENCY: May 1, 2019

FILED WITH LRC: May 7, 2019 at 1 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2019 at 10:00 a.m., at the Kentucky Department of Agriculture, 111 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 through June 30, 2019. 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, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 782-0284, fax (502) 564-2133, email clint.quarles@ky.gov.

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 creates the general provisions for reporting an eligible incident to the KDA.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with the statutory requirement that the KDA be notified of an incident to be able to investigate as required.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 247.234 requires notice to the KDA in the event of an incident. This administrative regulation describes what is needed of the operator or owner.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the general requirements for notices to the KDA.

(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 filing clarifies the timeframes for notice and reporting.

(b) The necessity of the amendment to this administrative regulation: This filing clarifies the timeframes for notice and reporting.

(c) How the amendment conforms to the content of the authorizing statutes: SB 219 of the 2019 regular General Assembly changed what was required to be reported. This filing clarifies when this information needs to be received by the KDA.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 739 amusement ride companies had BIDs issued in the last year.

(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: Regulated entities would need do nothing to comply with this filing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated or anticipated with this filing.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will continue be permitted to operate amusement rides and attractions.

(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: State funds and program fees.

(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 filing does alter the fee section, as nothing requires any additional spending.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees as established.

(9) TIERING: Is tiering applied? No. All regulated entities have 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 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 247.234

(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? This filing does create revenue through fees. The administrative regulation does not involve fees.

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

(c) How much will it cost to administer this program for the first year? No changes to current costs will occur.

(d) How much will it cost to administer this program for subsequent years? No changes to current costs will occur.

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
Department of Agriculture
Division of Regulation and Inspection
(Amendment)

302 KAR 16:091. Rides and attractions not included in the definition of amusement ride or attraction.

RELATES TO: KRS 247.232

STATUTORY AUTHORITY: KRS 247.232

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.232(1)(b) authorizes the Commissioner of the Department of Agriculture to promulgate administrative regulations to designate other rides and attractions that are not included in the definition of "amusement ride or attraction". This administrative regulation establishes the list of rides or attractions not specifically referenced[~~reference~~] in the statute that are not included in the definition.

Section 1. Amusement ride or attraction shall not include:

(1) Dinner trains;

(2) Any amusement ride or attraction utilizing animals;

(3) Structures holding slides less than fifteen (15) feet above the ground at the base of the slide;

(4) Items, devices, and contrivances used for educational purposes as part of a structured class or program, including team building and challenge courses;

(5) All terrain vehicles, paddleboats, canoes, or rafts;

(6) Haunted houses;

(7) Hay rides;

(8) Corn Mazes or any other noninflatable obstacle course;

(9) Mechanical bulls;

(10) Ski lifts, aerial lifts, or aerial tramways;

(11) Bicycles or bicycle courses;

(12) Children's toys;

(13) Watercraft other than bumper boats;

(14) Swamp buggies;

(15) Ice skating facilities;

(16) Roller skating facilities;

(17) Base jumping equipment;

(18) Paintball equipment or courses;

(19) Lazy rivers;

(20) Wave pools;
(21) Trampolines not requiring an assistive device;
(22) Self or manual belayed rappelling equipment and facilities;
(23) Privately owned, not open to the public, facilities;
(24) Mobile and permanent ziplines;
(25) Rope courses;
(26) Tree swings;
(27) Platform swings;
(28) Canopy tours;
(29) Tree platforms;
(30) Balloons;
(31) Pools and pool items;
(32) Swinging bridges;
(33) Obstacle courses;
(34) Climbing walls;
(35) Bungees;[~~and~~]
(36) Euro or turbo bungees;[~~.~~]
(37) Trackless trains;
(38) Laser tag;
(39) Nerf or similar foam projectile events;
(40) Race car driving experience;
(41) Bubble suits;
(42) Axe throwing or similar events;
(43) Ninja courses;
(44) Inflatable devices intended for water use; and
(45) Bungee ejection seats.

RYAN F. QUARLES, Commissioner
APPROVED BY AGENCY: May 1, 2019
FILED WITH LRC: May 7, 2019 at 1 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2019 at 10:00 a.m., at the Kentucky Department of Agriculture, 111 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 through June 30, 2019. 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, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 782-0284, fax (502) 564-2133, email clint.quarles@ky.gov.

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 creates a list of objects and activities that are not included in the definition of amusement rides or attractions.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with the statutory requirement that the KDA regulate amusement rides and devises. This list narrows the very broad definition.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 247.232 allows the KDA to create a list of exempt items. This administrative regulation does that.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the things not included as regulated rides or attractions.

(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 filing expands the number of objects and activities that are not included in the definition of amusement rides or attractions.

(b) The necessity of the amendment to this administrative regulation: This regulation is necessary to clearly communicate the now exempt items.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 247.232 allows the KDA to create a list of exempt items. This administrative regulation does that.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of objects and activities that are not included in the definition of amusement rides or attractions.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 739 amusement ride companies had BIDs issued in the last year.

(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: Regulated entities would need do nothing to comply with this filing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated or anticipated with this filing.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will continue be permitted to operate amusement rides and attractions.

(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: State funds and program fees.

(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 filing does alter the fee section, as nothing requires any additional spending.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees as established.

(9) TIERING: Is tiering applied? No. All regulated entities have 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 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 247.232

(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? This filing does create revenue through fees. The administrative regulation does not involve fees.

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

(c) How much will it cost to administer this program for the first year? No changes to current costs will occur.

(d) How much will it cost to administer this program for subsequent years? No changes to current costs will occur.

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
Department of Agriculture
Division of Regulation and Inspection
(Amendment)

302 KAR 16:101. Operate amusement ride or device defined.

RELATES TO: KRS 247.232

STATUTORY AUTHORITY: KRS 247.232

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.232[~~(4) and (5)~~] defines[~~define~~] "operator"[~~and "operator assistant"~~]. This administrative regulation establishes the definition of "operate"[~~operate~~].

Section 1. The act of "operating an amusement ride or attraction" shall mean the supervision and observation of the amusement ride or attraction while in operation and the normal starting and stopping of the amusement ride or attraction.

RYAN F. QUARLES, Commissioner

APPROVED BY AGENCY: May 1, 2019

FILED WITH LRC: May 7, 2019 at 1 pm.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2019 at 10:00 a.m., at the Kentucky Department of Agriculture, 111 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 through June 30, 2019. 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, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 782-0284, fax (502) 564-2133, email clint.quarles@ky.gov.

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 creates a definition of operating an amusement ride or device.

(b) The necessity of this administrative regulation: This administrative regulation creates a definition of operating an amusement ride or device. It is necessary to clarify what the act requires.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 247.232 defines operator. This filing defines operate.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the term.

(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 filing corrects the necessity, function and conformity statement. The definition itself is unchanged.

(b) The necessity of the amendment to this administrative regulation: This regulation is necessary to correct the necessity, function and conformity statement.

(c) How the amendment conforms to the content of the authorizing statutes: This filing corrects the necessity, function and conformity statement. The definition itself is unchanged.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the necessity, function and conformity statement. The definition itself is unchanged.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 739 amusement ride companies had BIDs issued in the last year.

(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: Regulated entities would need do nothing to comply with this filing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated or anticipated with this filing.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will continue be permitted to operate amusement rides and attractions.

(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: State funds and program fees.

(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 filing does alter the fee section, as nothing requires any additional spending.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees as established.

(9) TIERING: Is tiering applied? No. All regulated entities have 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 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 247.232

(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? This filing does create revenue through fees. The administrative regulation does not involve fees.

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

(c) How much will it cost to administer this program for the first year? No changes to current costs will occur.

(d) How much will it cost to administer this program for subsequent years? No changes to current costs will occur.

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
Department of Agriculture
Division of Regulation and Inspection
(Amendment)

302 KAR 16:111. Violations, civil penalties, revocations, and suspensions of business identification number.

RELATES TO: KRS 247.233

STATUTORY AUTHORITY: KRS 247.233

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.233 requires the department to promulgate administrative regulations establishing a comprehensive list of violations and civil penalties not to exceed $10,000 and the procedure for suspension and revocation of a business identification number. This administrative regulation establishes those requirements.

Section 1. (1) The following[~~acts shall be~~] violations of KRS 247.232 through 247.236 and 302 KAR Chapter 16 shall result in the assessment of[~~. Violators of these requirements shall be accessed a~~] civil penalty of not less than $1,000 and not more than $10,000:

(a) Operating without a current business identification number;

(b) Operating without current insurance in the required coverage amount;

(c) Operating a ride or attraction while it is under a stop operation order;

(d) Operating a ride or attraction while the operator is not present;

(e) Using blocking in foot switch breaker;

(f) Using improper material for electrical fuse;

(g) Moving equipment after a reportable incident or tampering with evidence;

(h) Operating a ride or attraction too close to high voltage;

(i) Positioning a ride or attraction underneath utility lines;

(j) Operating a ride or attraction while the operator is impaired;

(k) Grounding the generator incorrectly;

(l) Failing to maintain the ride or attraction in good mechanical condition;

(m) Failing to repair ride or attraction according to manufacturer specifications or recommendations;

(n) Failing to properly shield power units; and

(o) Failing to use appropriate replacement parts.

(2) The following[~~acts shall be~~] violations of KRS 247.232 through 247.236 and 302 KAR Chapter 16[~~. Violators of these requirements~~] shall result in[~~be assessed~~] the assessment of a civil penalty of not less than $100 and not more than $5,000:

(a) Failing to follow safety guidelines and manufacturer specifications;

(b) Failing to notify the department of an incident requiring a report within twelve (12) hours;

(c) Failing to submit a required incident report;

(d) Admitting an intoxicated patron on an amusement ride or attraction;

(e) Admitting a patron with inappropriate footwear; and

(f) Failing to completely fill out incident report form.

(3) The following[~~acts shall be~~] violations of KRS 247.232 through 247.236 and 302 KAR Chapter 16[~~. Violators of these requirements~~] shall be result in[~~be assessed~~] the assessment of a civil penalty of not less than $100 and not more than $1,000:

(a) Failing to have operational manuals on site;

(b) Failing to have maintenance manuals on site;

(c) Failing to have maintenance records on site;

(d) Fueling ride or attraction in an undesignated area;

(e) Exceeding manufacturer's speed of ride or attraction;

(f) Failing to properly secure the ride or attraction;

(g) Failing to have electrical disconnect within six (6) feet of operator;

(h) Operating a ride or attraction by a operator under sixteen (16)[~~eighteen (18)~~] years of age;

(i) Failing to use correct START/STOP switch;

(j) Operating the ride or attraction in inclement weather;

(k) Failing to comply with proper operating procedures noted during inspection;

(l) Failing to properly anchor inflatable device;

(m) Failing to perform or document pre-operation inspections;

(n) Operating without an itinerary; and

(o) Operating without the required number of operators as required by manufacturer.

(4) The following acts shall be violations of KRS 247.232 through 247.236 and 302 KAR Chapter 16. Violators of these requirements shall be assessed a civil penalty of not less than $100 and not more than $500:

(a) Failing to have Ground Fault Circuit Interrupter (GFCI) protection if required;

(b) Failing to properly place fencing barrier;

(c) Failing to have fire extinguishers in correct locations;

(d) Failing to have first aid kit on location; and

(e) Failing to have inspection sticker in appropriate location.

(5) Failure to have required ride or attraction signage or use of incorrect signage shall be a violation of KRS 247.232 through 247.236 and 302 KAR Chapter 16. Violators of these requirements shall be assessed a civil penalty of not less than $100 and not more than $200.

Section 2. (1) Persons who commit the same violation within thirty (30) days of being cited for the first violation shall be assessed up to double the civil penalty accessed in Section 1 of this administrative regulation, not to exceed $10,000.

(2) Persons who commit a third same violation within sixty (60) days of being cited for the first violation shall be assessed up to triple the civil penalty accessed in Section 1 of this administrative regulation, not to exceed $10,000.

(3) This section shall not prohibit the commissioner from suspending or revoking a license, permit, registration, or certification at any time pursuant to KRS 247.233.

Section 3. Business Identification Number Suspension or Revocation. (1) The business owner shall have ten (10) days upon the receipt of the notification of a proposed suspension, revocation, or modification of a business identification number to request a hearing. The hearing shall be conducted in accordance with KRS Chapter 13B.

(2) If a hearing is not requested as provided for in subsection (1) of this section, the department may suspend, revoke, or modify the business identification number once the ten (10) day hearing request filing period has passed.

(3) The department may suspend a business identification number and place stop operation orders on all rides or attractions belonging to the owner for a period of time which shall not exceed seven (7) days, pending inquiry. After opportunity for a hearing, the department may deny, suspend, revoke, or modify the provision of any business identification number issued under KRS 247.234 if it finds that the owner or his employee has committed any of the following acts, each of which is declared to be a violation of KRS 247.232 through 247.236:

(a) Making a false or fraudulent statement to inspectors;

(b) Knowingly violating any provision of KRS 247.232 through 247.236 or 302 KAR Chapter 16; or

(c) Failing to pay an administrative penalty or fee assessed by this chapter.

(4) Any owner whose business identification number is revoked under the provisions of this section shall not be eligible to apply for a new license until the time has elapsed from the date of the order revoking the business identification number as established by the department, not to exceed two (2) years, or if an appeal is taken from the order or revocation, not to exceed two (2) years from the date of the order or final judgment sustaining the revocation.

RYAN F. QUARLES, Commissioner

APPROVED BY AGENCY: May 1, 2019

FILED WITH LRC: May 7, 2019 at 1 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2019 at 10:00 a.m., at the Kentucky Department of Agriculture, 111 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 through June 30, 2019. 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, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 782-0284, fax (502) 564-2133, email clint.quarles@ky.gov.

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 creates a list of administrative violations and civil penalties.

(b) The necessity of this administrative regulation: This administrative regulation creates a list of administrative violations and civil penalties. It is necessary to clarify what civil penalties will be assessed.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 247.233 requires the KDA to create a list of administrative violations and civil penalties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the administrative violations and civil penalties.

(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 creates a list of administrative violations and civil penalties.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation creates a list of administrative violations and civil penalties. It is necessary to clarify what civil penalties will be assessed.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 247.233 requires the KDA to create a list of administrative violations and civil penalties.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the administrative violations and civil penalties.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 739 amusement ride companies had BIDs issued in the last year.

(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: Regulated entities would need do nothing to comply with this filing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated or anticipated with this filing.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will continue be permitted to operate amusement rides and attractions.

(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: State funds and program fees.

(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 filing does alter the fee section, as nothing requires any additional spending.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees as established.

(9) TIERING: Is tiering applied? No. All regulated entities have 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 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 247.233

(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? This filing does create revenue through fees. The administrative regulation does not involve fees.

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

(c) How much will it cost to administer this program for the first year? No changes to current costs will occur.

(d) How much will it cost to administer this program for subsequent years? No changes to current costs will occur.

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
Department of Agriculture
Division of Regulation and Inspection
(Amendment)

302 KAR 16:121. Inflatable rides or attractions.

RELATES TO: KRS 247.236(1)

STATUTORY AUTHORITY: KRS 247.236

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.236(1) requires the department of Agriculture to promulgate administrative regulations establishing safety requirements in the absence of factory specification. This administrative regulation establishes requirements for operation of inflatable rides or attractions when manufacturer specifications are not available.

Section 1. Inflatable rides and attractions shall not require an operator, unless required by the manual.

Section 2. Only inflatable devices manufactured specifically for commercial use shall be used for commercial or rental purposes.

Section 3. Inflatable devices shall be anchored to the ground as required in its manual. In absence of instructions in the manual inflatable devices shall be anchored to the ground with rods or pins with at least one half (1/2) inch diameter, at a minimum depth of eighteen (18) inches, and at a forty-five (45) degree angle to the ground. If pins or rods are impracticable, seventy-five (75) pounds of sandbags shall to be used at each anchor point.

Section 4. Safety signage shall be required if not printed by the manufacturer on the inflatable. If the following information is not printed on an inflatable, the owner shall provide a sign to display near the entrance of the inflatable while it is in operation with the following information, in its entirety:

(1) Remove shoes, eyeglasses and sharp objects before entering;

(2) No flips;

(3) No piling on or wrestling;

(4) Do not bounce closer than five (5) feet from another person; [~~and~~]

(5) Do not bounce against the sides or near the doorway; and[~~.~~]

(6) Patron warnings as required by the KRS.

Section 5. All inflatable devices shall use ground fault circuit interrupters for electrical components.

RYAN F. QUARLES, Commissioner

APPROVED BY AGENCY: May 1, 2019

FILED WITH LRC: May 7, 2019 at 1 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2019 at 10:00 a.m., at the Kentucky Department of Agriculture, 111 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 through June 30, 2019. 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, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 782-0284, fax (502) 564-2133, email clint.quarles@ky.gov.

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 creates rules for inflatables.

(b) The necessity of this administrative regulation: This administrative regulation creates rules specific to inflatables.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 247 charges the KDA with regulating amusement rides and attractions. This administrative regulation addresses unique issues specific to inflatables.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the requirements for inflatables.

(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 creates rules for inflatables.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation creates rules specific to inflatables.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation addresses unique issues specific to inflatables.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the requirements for inflatables.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 739 amusement ride companies had BIDs issued in the last year.

(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: Regulated entities would need do nothing to comply with this filing, other than to add signage as required in the statute.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated or anticipated with this filing. A business may need to purchase a sign if they do not possess one already.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will continue to be permitted to operate inflatables.

(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: State funds and program fees.

(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 filing does alter the fee section, as nothing requires any additional spending.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees as established.

(9) TIERING: Is tiering applied? No. All regulated entities have 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 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 247.232

(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? This filing does create revenue through fees. The administrative regulation does not involve fees.

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

(c) How much will it cost to administer this program for the first year? No changes to current costs will occur.

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

subsequent years? No changes to current costs will occur.

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
Department of Agriculture
Division of Regulation and Inspection
(Amendment)

302 KAR 16:131. Maintenance and repair of amusement ride or attractions.

RELATES TO: KRS 247.2351

STATUTORY AUTHORITY: KRS 247.2351

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.2351 requires the Department of Agriculture to promulgate administrative regulations establishing replacement part guidelines for amusement rides and attractions. This administrative regulation establishes those guidelines.

Section 1. All amusement rides and attractions shall be maintained in good electrical and mechanical condition. The owner of an amusement ride or attraction shall follow the manufacturer's guidelines and recommendations for all maintenance procedures.

Section 2. Replacement Parts. (1) Amusement rides and attractions shall use manufacturer replacement parts, or replacement parts approved by the manufacturer, if available.

(2) If an amusement ride or attraction manufacturer is no longer in business or the manufacturer's parts are no longer available, replacement parts shall meet the manufacturers original equipment specifications. If original ride manufacturer's specifications are not available, the owner shall be deemed the manufacturer for purposes of these requirements.

(3) If an amusement ride or attraction is unique or handmade, the owner shall be deemed the manufacturer for purposes of these requirements.

RYAN F. QUARLES, Commissioner

APPROVED BY AGENCY: May 1, 2019

FILED WITH LRC: May 7, 2019 at 1 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2019 at 10:00 a.m., at the Kentucky Department of Agriculture, 111 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 through June 30, 2019. 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, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 782-0284, fax (502) 564-2133, email clint.quarles@ky.gov.

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 creates the maintenance and repair requirements for an amusement ride or device.

(b) The necessity of this administrative regulation: This administrative regulation creates the maintenance and repair requirements for an amusement ride or device. This filing provides the requirements when needed information no longer exists.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 247.2351 requires an amusement ride or device be maintained according to manufacturer's specifications. This Administrative regulation provides guidance in cases where original specifications are no longer available.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of requirements.

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

(a) How the amendment will change this existing administrative regulation: This administrative regulation creates the maintenance and repair requirements for an amusement ride or device. This filing allows for additional guidance where parts specifications are not available.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation creates the maintenance and repair requirements for an amusement ride or device. This filing provides the requirements when needed information no longer exists.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 247.2351 requires an amusement ride or device be maintained according to manufacturer's specifications. This Administrative regulation provides guidance in cases where original specifications are no longer available.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists by providing the clear communication of the requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 739 amusement ride companies had BIDs issued in the last year.

(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: Most regulated entities would need do nothing to comply with this filing. This filing is specifically for those entities that cannot find or otherwise obtain parts and components specifications for older devices, allowing them to remain in use.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated or anticipated with this filing.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will continue to be permitted to operate amusement rides and attractions.

(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: State funds and program fees.

(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 filing does alter the fee section, as nothing requires any additional spending.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees as established.

(9) TIERING: Is tiering applied? No. All regulated entities have 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 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 247.2351

(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? This filing does create revenue through fees. The administrative regulation does not involve fees.

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

(c) How much will it cost to administer this program for the first year? No changes to current costs will occur.

(d) How much will it cost to administer this program for subsequent years? No changes to current costs will occur.

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:

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water
(Amendment)

401 KAR 5:010. Operation of wastewater systems by certified operators.

RELATES TO: KRS 224.10-100, 224.10-110, 224.70-100, 224.70-110

STATUTORY AUTHORITY: KRS 224.10-100, 224.10-110, 224.73-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Cabinet to develop and conduct a comprehensive program for the management of water resources and to provide for the prevention, abatement, and control of water pollution. KRS 224.73-110 requires that a person shall not have primary responsibility for the operation of a sewage system or a portion of a system, whether publicly or privately owned, unless the operator has passed an examination prescribed by the cabinet. This administrative regulation establishes standards for the staffing and classification of[~~requires~~] wastewater treatment plants and collection systems that accept domestic sewage[~~to be under the primary responsibility of an appropriately certified operator~~].

Section 1. Certified Operators for Wastewater Treatment Plants. A wastewater treatment plant that accepts wastewater containing domestic sewage shall be under the primary responsibility of a certified operator as established in this section.[follows:]

(1) A treatment plant with a design capacity of less than or equal to 50,000 gallons per day shall be under the primary responsibility of a certified operator holding an active Class I, II, III, or IV treatment certificate.[~~;~~]

(2) A treatment plant with a design capacity of more than 50,000 gallons per day, but less than or equal to two (2) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class II, III, or IV treatment certificate.[~~;~~]

(3) A treatment plant with a design capacity of more than two (2) million gallons per day, but less than or equal to seven and one-half (71/2) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class III or IV treatment certificate.[~~;~~]

(4) A treatment plant with a design capacity in excess of seven and one-half (71/2) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class IV treatment certificate.[~~; or~~]

(5) A wastewater treatment plant at a school shall be under the primary responsibility of a certified operator holding an active limited certificate or a Class I, II, III, or IV treatment certificate.

Section 2. Certified Operators for Collection Systems.[~~Effective January 1, 2010,~~] Each collection system transporting wastewater containing domestic sewage shall be under the primary responsibility of a certified operator as established in this section.[~~follows:~~]

(1) Collection systems with greater than 5,000 linear feet of sewer line that transport wastewater to a treatment plant with a design capacity of less than or equal to 50,000 gallons per day shall be under the primary responsibility of a certified operator holding an active Class I, II, III, or IV collection certificate.[~~;~~]

(2) Collection systems that transport wastewater to a treatment plant with a design capacity of more than 50,000 gallons per day, but less than or equal to two (2) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class II, III, or IV collection certificate.[~~;~~]

(3) Collection systems that transport wastewater to a treatment plant with a design capacity of more than two (2) million gallons per day, but less than or equal to seven and one-half (7 $^{1}/_{2}$) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class III or IV collection certificate.[~~;~~]

(4) Collection systems that transport wastewater to a treatment plant with a design capacity in excess of seven and one-half (7 $^{1}/_{2}$) million gallons per day shall be under the primary responsibility of a certified operator holding an active IV collection certificate.[~~;~~]

(5) A wastewater collection system at a school shall be under the primary responsibility of an operator holding an active:

(a) Class I, II, III, or IV collection certificate;

(b) Class I, II, III, or IV treatment certificate; or

(c) Limited certificate.[~~;~~]

(6) Collection systems with not more than 5,000 linear feet of sewer line that transport wastewater to a treatment plant with a design capacity of less than or equal to 50,000 gallons per day, shall be operated under the primary responsibility of a certified operator with an active:

(a) Class I, II, III, or IV collection certificate; or

(b) Class I, II, III, or IV treatment certificate.[~~; or~~]

(7) Collection systems that transport wastewater containing domestic sewage to a treatment plant owned by another person shall use population-served for determination of the appropriate collection system certificate.

(a) Collection systems with greater than 5,000 linear feet of sewer line and with a population served of 1,500 individuals or less shall be operated by a certified operator holding an active Class I, II, III, or IV collection certificate.

(b) Collection systems with a population served of 1,501 to 15,000 individuals shall be operated by a certified operator holding an active Class II, III, or IV collection certificate.

(c) Collection systems with a population served of 15,001 to 50,000 individuals shall be operated by a certified operator holding an active Class III or IV collection certificate.

(d) Collection systems with a population served of 50,001 individuals or greater shall be operated by a certified operator holding an active Class IV collection certificate.

(e) Collection systems with not more than 5,000 linear feet of sewer line that serve a population of not more than 1,500, shall be operated under the primary responsibility of a certified operator with an active:

1. Class I, II, III, or IV collection certificate; or

2. Class I, II, III, or IV treatment certificate.

Section 3. Certified Operator Availability. (1) The facility shall ensure that a certified operator with primary responsibility shall be

able to be contacted by phone within thirty (30) minutes.

(2) The facility shall ensure that a certified operator with primary responsibility shall be capable of being onsite:

(a) Within two (2) hours if the certified operator with primary responsibility is required to have a Class I or Limited certificate; or

(b) Within one (1) hour if the certified operator with primary responsibility is required to have a Class II, III, or IV certificate.

Section 4. Operators In Training. (1) A Class I Operator In Training shall not have primary responsibility of a wastewater treatment plant or wastewater collection system.

(2) A certified operator with an Operator In Training designation shall work under the direct supervision of a certified operator who:

(a) Works at the same facility; and

(b) Holds an active certification level that is equal to or greater than the certification level required to serve in primary responsibility of the facility.

(3) An Operator In Training may have primary responsibility for a wastewater collection system or wastewater treatment plant for which the operator holds an active Class II through Class IV certification as established in 401 KAR 11:030.

Section 5. A wastewater collection system or treatment plant may propose an alternate staffing plan to the staffing requirement established in this section. (1) The proposal shall be submitted to the cabinet and shall thoroughly explain the alternate proposal.

(2) The proposal shall demonstrate:

(a) A necessity for the wastewater collection system or treatment plant to vary from the requirements in this paragraph; and

(b) An equal level of protection of human health and the environment.

(2) The cabinet shall not approve an alternate proposal that does not propose that a duly certified operator in direct responsible charge operate a wastewater collection system or treatment plant, in accordance with KRS 224.73-110.

Section 6. Certificate Display. If a system office is available at the wastewater treatment plant or within the sewer service area, the operator's certificate shall be prominently displayed on the wall.

CHARLES G. SNAVELY, Secretary

APPROVED BY AGENCY: May 9, 2019

FILED WITH LRC: May 13, 2019 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 27, 2019 at 6:00 p.m. Eastern Time at the Department for Environmental Protection, Training Room B, 300 Sower Boulevard, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be 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 through June 30, 2019. 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: Carole J. Catalfo, Internal Policy Analyst, RPPS,, Division of Water, 3rd Floor, 300 Sower Boulevard, Frankfort, Kentucky 40601, phone (502) 564-3410, fax (502) 564-9003, email water@ky.gov (Subject line: "Chapter 11 regulations")

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes standards for the staffing and classification of wastewater treatment plants and collection systems that accept domestic sewage.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure that wastewater treatment plants and collection systems are staffed by operators who have passed a certification examination by the cabinet and have obtained the appropriate level of certification for the type of plant or system being operated.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100 requires the Cabinet to develop and conduct a comprehensive program for the management of water resources and to provide for the prevention, abatement, and control of water pollution. KRS 224.73-110 requires that a person shall not have primary responsibility for the operation of a sewage system or a portion of a system, whether publicly or privately owned, unless the operator has passed an examination prescribed by the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation informs wastewater treatment and collection systems of the staffing requirements for each class of system or plant.

(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 corrects regulatory language to meet KRS 13A requirements, clarifies that Class I Operators In Training shall not have primary responsibility for wastewater treatment plants or collections systems, establishes staffing requirements when Operators In Training are working in those systems to accommodate alternate staffing, and establishes alternate staffing requirements.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to clarify the role and responsibilities of Operators In Training and to accommodate alternate staffing.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100 requires the Cabinet to develop and conduct a comprehensive program for the management of water resources and to provide for the prevention, abatement, and control of water pollution. KRS 224.73-110 requires that a person shall not have primary responsibility for the operation of a sewage system or a portion of a system, whether publicly or privately owned, unless the operator has passed an examination prescribed by the cabinet.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist to inform wastewater treatment and collection systems of the staffing requirements for each class of system or plant when Operators In Training are working.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Certified wastewater operators, Operators In Training, and state or local governments that operate wastewater treatment or collection systems are affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The regulated entities will not need to take additional actions.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The amendment to this administrative regulation will not result in additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The regulated entities will benefit from the clarification the amendment provides regarding staffing

requirements when Operators In Training are working at the facility and for alternate staffing.

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

(a) Initially: The amendment to this administrative regulation will not result in additional costs.

(b) On a continuing basis: The amendment to this administrative regulation will not result in additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KPDES permit fees, state general funds, and federal EPA 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 or changes in funding will be necessary to implement the amendment to this administrative regulation.

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

(9) TIERING: Is tiering applied? Yes, tiering is applied dependent upon the type, size, and classification of wastewater system being operated.

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? This administrative regulation affects any units of state or local government that employ certified wastewater treatment plant or collection system operators

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 224.10-100 and KRS 224.73-110.

(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? This administrative regulation will not generate revenue.

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

(c) How much will it cost to administer this program for the first year? This administrative regulation will not increase costs.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will not increase costs.

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

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: The amendment to this administrative regulation will not generate revenue or increase costs.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. There is no federal mandate for the certification of wastewater operators.

2. State compliance standards. KRS 224.10-100, 224.10-110, and 224.73-110.

3. Minimum or uniform standards contained in the federal mandate. There is no federal mandate for the certification of wastewater operators.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate? There is no federal mandate for the certification of wastewater operators.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There is no federal mandate for the certification of wastewater operators.

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water
(Amendment)

401 KAR 8:030. Water treatment plant and water distribution system classification and staffing.

RELATES TO: KRS 223.180, 223.190, 223.200, 223.210, 223.220, 224.10-110; 42 U.S.C. 300g-7, Section 1419

STATUTORY AUTHORITY: KRS 223.180 through 223.220[~~223.180-223.220~~], 224.10-100, 224.10-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 223.180-223.220 authorizes the cabinet to classify water treatment plants and distribution systems based on size, type, and physical condition and according to the skill, knowledge, and experience needed by the plant operator. KRS 224.10-110 requires the cabinet to enforce administrative regulations for the regulation and control of the purification of water for public and semipublic use and for the certification of water plant operators. This administrative regulation establishes standards for the staffing and classification of water treatment plants and water distribution systems.

Section 1. General Provisions. (1)(a) A public water system shall be operated according to the provisions of KRS Chapters 223 and 224 and 401 KAR Chapter 8.

(b) A certified operator shall not be required for a semipublic water system.

(c) Except as provided in subsection (2)(c)1b, 2b, and 4b of this section, a public water system shall be operated by a certified operator, other than an operator-in-training, in direct responsible charge who holds an active[~~a valid~~] certificate in a class equal to or higher than that required for the system under supervision.

(2)(a) A Class I Operator In Training shall not be in direct responsible charge of a water treatment, distribution, or bottled water system.

(b) A certified operator with an Operator In Training designation shall work under the direct supervision of a certified operator who:

1. Works at the same facility; and

2. Has an active certification level that is equal to or greater than the certification level required to serve in direct responsible charge of the facility.

(c) An Operator In Training may have direct responsible charge for a water treatment or water distribution system for which the operator holds an active certification in a class equal to or higher than that as required by 401 KAR 11:040.

(3) Staffing requirements.

(a) Water distribution systems. A water distribution system shall be operated by or under the supervision of a distribution system operator certified in a class equal to or higher than the class of the distribution system.

(b) Combination water treatment plants and water distribution systems.

1. A combination water treatment plant or water distribution system shall be classified as Class IA-D, Class IB-D, or Class IIB-D.

2. A system classified as a combination system in subparagraph 1. of this paragraph shall be operated by or under the supervision of an operator who:

a. Holds an active[~~a valid~~] combination or separate water treatment and distribution system operator certificate of the appropriate class or higher; and

b. Who shall be in direct responsible charge of the system.

3. A certified operator of a Class IA-D combination system shall be at the water treatment plant if water is being treated,

unless the operator is performing other system-related duties.

(c) Water treatment plants.

1. Class IIA.

a. Except as provided in subparagraph b. of this paragraph, if water is being treated, a Class IIA water treatment plant shall be operated by a certified water treatment plant operator who:

(i) Holds an active[~~a valid~~] certificate in a class equal to or higher than Class IIA who shall be in direct responsible charge of the plant; and

(ii) Shall be present at the water treatment plant or performing system-related duties.

b. A Class IIA water treatment plant that treats water during more than one (1) shift per day may employ a Class IA-D certified operator for one (1) shift per day, other than the shift worked by the Class IIA operator in direct responsible charge, provided that[~~so long as~~] the Class IIA operator in direct responsible charge shall be able to respond on site within thirty (30) minutes.

2. Class IIIA.

a. Except as provided in subparagraph b. of this paragraph, if water is being treated, a Class IIIA water treatment plant shall be operated by a certified water treatment plant operator who:

(i) Holds an active[~~a valid~~] certificate in a class equal to or higher than Class IIIA who shall be in direct responsible charge of the plant; and

(ii) Shall be present at the water treatment plant or performing system-related duties.

b. A Class IIIA water treatment plant that treats water during more than one (1) shift per day may employ a Class IIA operator for one (1) shift per day, other than the shift worked by the Class IIIA operator in direct responsible charge, provided that[~~so long as~~] the Class IIIA operator in direct responsible charge shall be able to respond on site within thirty (30) minutes.

3. Class IIIB. A Class IIIB water treatment plant shall be operated by or under the supervision of a certified water treatment plant operator who:

(i) Holds an active[~~a valid~~] certificate in a class equal to or higher than Class IIIB; and

(ii) Who shall be in direct responsible charge of the system.

4. Class IVA.

a. Except as provided in subparagraph b, of this paragraph, if water is being treated, a Class IVA water treatment plant shall be operated by a certified water treatment plant operator who:

(i) Holds an active[~~a valid~~] Class IVA certificate who shall be in direct responsible charge of the plant; and

(ii) Who shall be present at the water treatment plant or performing system-related duties.

b. A Class IVA water treatment plant that treats water during more than one (1) shift per day may employ a Class IIIA operator for one (1) shift per day, other than the shift worked by the Class IVA operator in direct responsible charge, provided that[~~so long as~~] the Class IVA operator in direct responsible charge shall be able to respond on site within thirty (30) minutes.

5. Class IVB. A Class IVB water treatment plant shall be operated by or under the supervision of a certified water treatment plant operator who holds an active[~~a valid~~] certificate in a class equal to or higher than Class IVB who is in direct responsible charge of the system.

6. A public water system may propose an alternate staffing plan to the staffing requirement established in this paragraph.

a. The proposal shall be submitted to the cabinet and shall thoroughly explain the alternate proposal.

b. The proposal shall demonstrate:

(i) A necessity for the water system to vary from the requirements[~~requirement~~] in this paragraph; and

(ii) An equal level of protection of human health and the environment.

c. The cabinet shall not approve an alternate proposal that does not propose that a duly certified operator in direct responsible charge operate a water treatment plant, in accordance with KRS 223.210.

(d) Bottled Water Systems. A bottled water treatment plant shall be operated by or under the supervision of a certified water treatment plant operator who:

1. Holds an active[~~a valid~~] bottled water certification; and

2. Who shall be in direct responsible charge of the system.

(e) System-related duties shall be for:

1. Class IIA, Class IIIA, and Class IVA water systems, duties related to the operation and maintenance of the water treatment plant; or

2. Class IA-D water systems, duties related to the operation and maintenance of the water treatment plant and distribution system.

(3)(a) A public water system may comply with the staffing requirements of this section by securing a contract operator or an operations firm.

(b) If a public water system secures a contract operator or operations firm to operate a treatment plant or distribution system, the public water system shall provide the following information to the cabinet:

1. Name, mailing address, and telephone number of the:

a. Certified operator or contract operations firm; and

b. Principal contact within the firm for certification activities, if different;

2. Name, certificate type, and certificate number for each certified operator;

3. Facility name, public water supply identification number, and county location of each system for which the contract or operations firm operator is assuming responsibility;

4. Effective date and expiration date of the contract; and

5. Duties and responsibilities of each party to the contract.

(4) Certificate display. If a public water system office is available at the water treatment plant or within the distribution system, each operator's certificate shall be prominently displayed.

(5) Reporting requirements.

(a) A public water system shall notify the cabinet in writing within thirty (30) calendar days of a certified operator employment change.

(b)1. A certified operator shall notify the cabinet within thirty (30) calendar days of a change in employment or mailing address.

2. Employment change information shall include:

a. The name and identification number of the public water system;

b. The effective date of the change; and

c. Whether the operator is assuming or relinquishing responsibility for the plant or system.

Section 2. Classification of Water Treatment Plants and Water Distribution Systems. There shall be four (4) classes of water treatment plants, Class I, II, III, or IV; two (2) subclasses of treatment types, A or B; four (4) classes of water distribution systems, Class I, II, III, or IV; and one (1) bottled water class.

(1)(a) Class IV is the highest class and subclass A is the highest subclass.

(b) Combined treatment and distribution classifications[~~also exist~~] for Class I and II systems shall be[~~:~~] Class IA-D, Class IB-D, and Class IIB-D.

(2) The water treatment plant and water distribution system classifications shall correspond to the operator classifications established in 401 KAR 11:040.

(3) A public water system shall be classified according to the criteria in subsection (4) of this section.

(a)1. The cabinet may change a public water system classification if necessary because of:

a. Complexity of the system due to engineering design;

b. Source water quality; or

c. Operation conditions.

2. Notice of a change shall be given to the owner of the public water system.

(b) The cabinet shall reclassify a nontransient noncommunity water system that treats water primarily for its industrial process with limited employee use if the calculated portion of the water produced by the water treatment plant not used for the industrial process averages less than ten (10) percent of the average daily production averaged over the most recent twelve (12) months.

(4)(a)1. A water treatment plant or system based on the cabinet-assigned design capacity for finished water production the

treatment plant is able to produce in twenty-four (24) continuous hours of production, taking into consideration all limiting factors and the treatment process employed.

2. A water treatment plant classification shall be as established in Table 1 of this subsection.

(b)1. A water distribution system shall be classified according to population served, determined as established in 401 KAR 8:200, Section 3.

2. A water distribution system classification shall be as established in Table 1 of this subsection.

TABLE 1		
	Water Treatment Plant (Assigned Design Capacity)	Water Distribution System (Population Served)
Class I	Less than 50,000 gallons per day	Less than 1,500
Class II	50,000 gallons or more per day but less than 500,000 gallons per day	Equal to or greater than 1,500 but less than 15,000
Class III	500,000 gallons or more per day but less than 3,000,000 gallons per day	Equal to or greater than 15,000 but less than 50,000
Class IV	3,000,000 gallons or more per day	Equal to or greater than 50,000

(c) Each class of water treatment plan shall be subdivided according to the type of treatment used by the plant. The subclasses shall be:

1. Subclass A: a water treatment plant that treats:

a. Surface water or groundwater under the direct influence of surface water; or

b. Groundwater not under the direct influence of surface water that uses gravity filtration; and

2. Subclass B: a water treatment plant that treats groundwater:

a. Not under the direct influence of surface water and uses a filtration process other than gravity filtration; or

b.[~~Groundwater~~] Not under the direct influence of surface water that does not use filtration processes.

(d) A combination treatment and distribution system shall be classified as Class IA-D, Class IB-D, or Class IIB-D.

(e) Each treatment plant comprising a single public water system shall be classified in accordance with this section, and each plant shall be operated in accordance with Section 1 of this administrative regulation.

(5) A bottled water treatment plant classification shall only apply to a bottled water system that bottles water for sale.

(6) Limited. A limited classification is available to a water treatment facility serving a school or a semipublic water system.

CHARLES G. SNAVELY, Secretary

APPROVED BY AGENCY: May 9, 2019

FILED WITH LRC: May 13, 2019 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 27, 2019 at 6:00 p.m. Eastern Time at the Department for Environmental Protection, Training Room B, 300 Sower Boulevard, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be 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 through June 30, 2019. 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: Carole J. Catalfo, Internal Policy Analyst, RPPS,, Division of Water, 3rd Floor, 300 Sower Boulevard, Frankfort, Kentucky 40601, phone (502) 564-3410, fax (502) 564-9003, email water@ky.gov (Subject line: "Chapter 11 regulations").

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes standards for the staffing and classification of water treatment plants and water distribution systems.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure that water treatment plants, distribution, and bottled water systems are staffed by operators who have passed a certification examination by the cabinet and have obtained the appropriate level of certification for the type of plant or system being operated.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 223.180-223.220 authorizes the cabinet to classify water treatment plants and distribution systems based on size, type, and physical condition and according to the skill, knowledge, and experience needed by the plant operator. KRS 224.10-110 requires the cabinet to enforce administrative regulations for the regulation and control of the purification of water for public and semipublic use and for the certification of water plant operators.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation informs water treatment plants, distribution, and bottled water systems of the staffing requirements for each class of system or plant.

(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 corrects regulatory language to meet KRS 13A requirements, clarifies that Class I Operators In Training shall not be in direct responsible charge of water treatment, distribution, or bottled water systems, clarifies that operators in direct responsible charge of water treatment, distribution, or bottled water systems must hold an active certification for the system, and establishes staffing requirements when Operators In Training are working in those systems to accommodate alternative staffing.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to clarify the role and responsibilities of Operators In Training and operators in direct responsible charge of water treatment, distribution, and bottled water systems, and to accommodate alternative staffing.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 223.180 through 223.220 authorizes the cabinet to classify water treatment plants and distribution systems based on size, type, and physical condition and according to the skill, knowledge, and experience needed by the plant operator. KRS 224.10-110 requires the cabinet to enforce administrative regulations for the regulation and control of the purification of water for public and semipublic use and for the certification of water plant operators.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist to inform water treatment plants, distribution, and bottled water systems of the staffing requirements for each class of system or plant for operators in direct responsible charge of those systems and when Operators In Training are working.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Certified water operators, Operators In Training, and state or local governments that operate drinking water plants are affected by the amendment.

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

(a) List the actions that each of the regulated entities identified

in question (3) will have to take to comply with this administrative regulation or amendment: The regulated entities will not need to take additional actions.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The amendment to this administrative regulation will not result in additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The regulated entities will benefit from the clarification the amendment provides regarding staffing requirements for operators in direct responsible charge of water treatment, distribution, or bottling systems, and when Operators In Training are working at the facility and for alternative staffing.

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

(a) Initially: The amendment to this administrative regulation will not result in additional costs.

(b) On a continuing basis: The amendment to this administrative regulation will not result in additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Division uses federal funds to administer the Safe Drinking Water Act.

(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 or changes in funding will be necessary to implement the amendment to this administrative regulation.

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

(9) TIERING: Is tiering applied? Yes, tiering is applied dependent upon the type, size, and classification of water system being operated.

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? There are approximately 436 public water systems, and 52 semipublic water systems. Public water systems are often owned by city governments or organized under county governments, and other districts may also have a water system.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 223.180 through 223.220, 224.10-100, 224.10-110.

(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? This administrative regulation will not generate revenue.

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

(c) How much will it cost to administer this program for the first year? This administrative regulation will not increase costs.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will not increase costs.

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

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: This administrative regulation will not generate revenue or increase costs.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 42 U.S.C. 300g-7, Section 1419

2. State compliance standards. KRS 223.180 through 223.220, 224.10-100, 224.10-110

3. Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 300g-7, Section 1419 establishes minimum standards for operator certification.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate? No, this administrative regulation does not impose stricter, additional, or different requirements or responsibilities than those required by federal law.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose stricter, additional, or different requirements or responsibilities than those required by federal law.

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water
(Amendment)

401 KAR 8:050. Drinking water program fees.

RELATES TO: KRS 223.220, 224.10-100, 224.10-110, 40 C.F.R. 142.10, Pub.L. 104-182, 2008-531

STATUTORY AUTHORITY: KRS 223.220, 224.10-100(20), 224.10-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS[~~Chapter~~] 224.10-100(20) authorizes the cabinet to establish, by administrative regulation, a fee or schedule of fees for the cost of processing applications for permits authorized by KRS Chapter 224. KRS 224.10-110 requires the cabinet to enforce cabinet regulations for review, approval, or disapproval of plans for water purification and distribution systems. This administrative regulation establishes fees for reviewing plans and specifications of public water systems[~~, for operator certification,~~] and for laboratory certification.

Section 1. Fees for the Review of Plans and Specifications for New and Existing Public and Semipublic Water Systems. (1) Filing fees.

(a) Except as provided in KRS 224.10-100, a person who submits the plans and specifications listed in subsection (2) of this section shall simultaneously submit a filing fee in the amount of twenty (20) percent of the required project fee described in subsection (2) of this section.

(b) A filing fee shall not be refundable if the plans and specifications for which the filing fee is required are denied or withdrawn.

(c) The filing fee shall be applied toward the project fee assessed in subsection (2) of this section.

(d)1. Plans and specifications not approved shall be returned to the applicant.

2. Further consideration of plans and specifications not approved shall require a new submittal and payment of the appropriate filing fee.

(2) Project fees.

(a) Following preliminary review of the plans and specifications, the cabinet shall notify the applicant whether the plans and specifications comply with 401 KAR 8:100. If the applicant is notified that the plans and specifications comply, the applicant shall submit the remainder of the fee required by paragraph (b) of this subsection.

(b) A fee for review and approval of the plans and specifications shall be assessed according to the following schedule:

1. Fee for reviewing plans of community public water systems

a. The fee for reviewing plans for a water treatment plant utilizing disinfection and all components of conventional filtration treatment shall be $800.

b. The fee for reviewing plans for a water treatment plant utilizing disinfection, but not all components of conventional filtration treatment, shall be $525.

c. The fee for reviewing plans for a water treatment plant utilizing only disinfection shall be $250.

d. The fee for reviewing plans for a change in design capacity of a water treatment plant involving disinfection and all components of conventional filtration treatment shall be $800.

e. The fee for reviewing plans for a change in design capacity of a water treatment plant involving disinfection, but not all components of conventional filtration treatment, shall be $525.

f. The fee for reviewing plans for a change in design capacity of a water treatment plant involving only disinfection shall be $125.

g. The fee for reviewing plans for a change in the structures and appurtenances, except for distribution lines of less than 10,000 feet, of a water supply system shall be $325.

h. The fee for reviewing plans of a water supply system for a change to the distribution lines of 10,000 feet or less shall be $150.

2. Fees for reviewing plans of noncommunity public water systems.

a. The fee for reviewing plans for a water treatment plant utilizing disinfection and all components of conventional filtration treatment shall be $800.

b. The fee for reviewing plans for a water supply system serving more than 100 people that utilizes disinfection, but not all components of conventional filtration treatment, shall be $200.

c. The fee for reviewing plans for a change to a water supply system serving more than 100 people shall be $100.

d. The fee for reviewing plans for a water supply system serving 100 people or fewer, which utilizes disinfection, but not all components of conventional filtration treatment, shall be $100.

e. The fee for reviewing plans for a change to a water supply system serving 100 people or fewer shall be fifty (50) dollars.

3. Semipublic water systems. The fee for reviewing plans for a semipublic water system facility or a change to a semipublic water system shall be fifty (50) dollars.

Section 2. Fees for Laboratory Certification. (1) Fees shall be received by December 31[~~February 15~~] of each calendar year prior to the certification period.

(2) A fee received after December 31[~~February 15~~] and before January 15[~~March 14~~] shall incur a surcharge of fifteen (15) percent.

(3) Laboratory certification shall be revoked if fees are not received by January 15 of the certification year[~~March 15~~].

(4) To reinstate a laboratory certification that was revoked pursuant to subsection (3) of this section, the laboratory shall comply with 401 KAR 8:040, Section 2, and shall pay a surcharge of twenty-five (25) percent of the certification fee established in Table A in subsection (5) of this section.

(5) The annual fee for certification by analysis category shall be as established in Table A:

Table A: Annual Certification Fee by Analysis Category	
Analysis Category	Fee
Microbiology Administration and Application	$1,000
Microbiology	$500
Chemistry Administration and Application	$1,000
Disinfection By-Products	$500
Synthetic Organic Chemicals	$500
Volatile Organic Chemicals	$500
All Other Chemical Analysis Categories	$500
Other audits resulting in a certification status change	$500 each

(6) Fees shall apply to in-state and out-of-state laboratories.

(7)(a) A laboratory may request a ten (10) percent discount of the following year's certification fee if it submits compliance data electronically for one (1) calendar year.

(b) To be eligible for the discount:

1. The laboratory's data shall not contain errors;

2. The laboratory shall not err in the electronic-submittal process; and

3. The laboratory shall comply with 401 KAR 8:040, Section 4.

(8) A laboratory certified by the National Environmental Laboratory Association Certification Institute (TNI) or a National Environmental Laboratory Association Program accrediting authority may request a ten (10) percent discount of the total certification fee for which it maintains the TNI certification.[~~Section 3. (1) Fees for certification of water treatment plant and water distribution system operators.~~

~~(a) Certification application fee shall be $100.~~

~~(b) A renewal application fee shall be:~~

~~1. Fifty (50) dollars if renewed through the cabinet Web site; or~~

~~2. $100 if not renewed through the cabinet Web site.~~

~~(c) A renewal late fee shall be $250.~~

~~(d) A reciprocity fee shall be $500.~~

~~(2) Each year the cabinet, in consultation with the board, shall establish fees for operator training conducted by the cabinet.~~

~~(3)(a) The fees established in subsection (1) of this section shall be nonrefundable.~~

~~(b) Fifty (50) percent of the fees established in subsection (2) of this section shall be refundable if registration is canceled at least two (2) business days prior to the beginning of the training event.~~

~~(c) The fees in subsection (2) of this section shall be fully refunded if the training event is cancelled by the cabinet.~~]

CHARLES G. SNAVELY, Secretary

APPROVED BY AGENCY: May 9, 2019

FILED WITH LRC: May 13, 2019 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 27, 2019 at 6:00 p.m. Eastern Time at 300 Sower Boulevard, 1st Floor, Training Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Carole J. Catalfo, Internal Policy Analyst, RPPS, Division of Water, 300 Sower Boulevard, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 782-6914, fax (502) 564-4245, email water@ky.gov (Subject line: Chapter 11 regulations)

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes fees for review of plans and specifications for new and existing public and semipublic water systems, laboratory certification, and drinking water operator certification.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish fees for cabinet review of plans and specifications for new and existing public and semipublic water systems, laboratory certification, and drinking water operator certification.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(20) authorizes the cabinet to establish, by administrative regulation, a fee or schedule of fees for the cost of processing applications for permits authorized by KRS Chapter 224. KRS 224.10-110 requires the cabinet to enforce cabinet regulations for review, approval, or disapproval of plans for water purification and distribution systems. This administrative regulation establishes fees for reviewing plans

and specifications of public water systems, operator certification, and laboratory certification.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes fees for the drinking water program, including laboratory certification fees.

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

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation removes fees for drinking water operator certification, which will instead be relocated to 401 KAR 11:060 Certification fees, and adjusts the due dates for laboratory certification fees so that fees are paid prior to certification being issued.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation will facilitate consolidation of operator certification fees in one location (401 KAR 11:050). The amendment also requires that laboratory certification fees be paid prior to certification being renewed. This prevents lab results, which are required to be reported every January, from being disqualified for lack of certification, and prevents a laboratory from receiving up to six (6) weeks of certification (January 1 through March 15) without having paid the appropriate fee.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(20) authorizes the cabinet to establish, by administrative regulation, a fee or schedule of fees for the cost of processing applications for permits authorized by KRS Chapter 224. KRS 224.10-110 requires the cabinet to enforce cabinet regulations for review, approval, or disapproval of plans for water purification and distribution systems. This administrative regulation establishes fees for reviewing plans and specifications of public water systems, operator certification, and laboratory certification.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will prevent redundancy and will facilitate consolidation of operator certification fees in one location, and will prevent laboratory certification from being issued prior to the appropriate fee being paid.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Certified drinking water treatment plant and distribution system operators, as well as operator candidates, will be affected by this amended regulation. State or local governments that operate drinking water treatment plants or distribution systems will be affected if they pay certification fees for their employees. There are approximately sixty (60) certified microbiology and chemistry laboratories in Kentucky, thirty (30) of which are municipally owned, and approximately twenty-nine (29) laboratories outside Kentucky. These laboratories service 436 public, 52 semipublic, and 5 bottled water systems in Kentucky.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Laboratories will need to pay certification fees in an earlier timeframe so that certification is not issued prior to the fee being paid. The other regulated entities will not need to take any additional action to comply with the amendment 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 amendments to this administrative regulation will not result in additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment to this administrative regulation will prevent redundancy and will facilitate consolidation of operator certification fees in one location.

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

(a) Initially: The amendment to this administrative regulation will not result in additional costs.

(b) On a continuing basis: The amendment to this administrative regulation will not result in additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The amendment to this regulation removes drinking water operator fees from this regulation to consolidate it into 401 KAR 11:060, and changes the timeframe during which laboratory certification fees must be paid but does not increase those fees. There is no source of funding necessary for implementation of this administrative regulation.

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

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation establishes fees for the review of plans and specifications for new and existing public and semipublic water systems, certified water operators, and laboratory certification.

(9) TIERING: Is tiering applied? Tiering is applied. Fees vary according to the type and level of application for new and existing public and semipublic water systems and laboratory certification. Fees for operator certification are tiered based on the type of certification application being made.

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? This administrative regulation applies to certified drinking water operators, laboratories hired by public and semipublic water systems, and review of plans and specifications for new and existing water systems. A public water system is often owned by a city government or is organized under county government.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 224.10-100(20) authorizes the cabinet to establish, by administrative regulation, a fee or schedule of fees for the cost of processing applications for permits authorized by KRS Chapter 224. KRS 224.10-110 requires the cabinet to enforce cabinet regulations for review, approval, or disapproval of plans for water purification and distribution systems. This administrative regulation establishes fees for reviewing plans and specifications of public water systems, operator certification, and laboratory certification.

(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 amendment to this administrative regulation will not generate any revenue.

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

(c) How much will it cost to administer this program for the first year? The amendment to this administrative regulation will not result in additional costs.

(d) How much will it cost to administer this program for subsequent years? The amendment to this administrative regulation will not result in additional costs.

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

Revenues (+/-): NA
Expenditures (+/-): NA
Other Explanation: The amendment to this administrative regulation will not result in additional costs or generate revenue.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. There is no federal statute or regulation that addresses operator certification fees or laboratory certification, although 40 C.F.R. 142 requires these activities as a condition of receiving primary responsibility for the federal Safe Drinking Water Act.
2. State compliance standards KRS 224.10-100(20), 224.10-110
3. Minimum or uniform standards contained in the federal mandate. 40 C.F.R. Part 141 and Part 142 establish national Primary Drinking Water regulations and implementation standards for those regulations.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate? No. There is no federal statute or regulation that addresses operator certification fees or laboratory certification, although 40 C.F.R. 142 requires these activities as a condition of receiving primary responsibility for the federal Safe Drinking Water Act.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. KRS 224.10-100(20) authorizes the cabinet to promulgate regulations establishing a fee or schedule of fees for permits authorized by KRS Chapter 224.

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water
(Amendment)

401 KAR 11:001. Definitions for 401 KAR Chapter 11.

RELATES TO: KRS 223.160 - 223.220[~~223.160-220~~], 224.01-010(9), 224.73-110[~~, EO 2009-538~~]
STATUTORY AUTHORITY: KRS 223.200, 224.10-100, 224.10-110, 224.73-110[~~, EO 2009-538~~]
NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-110 authorizes the cabinet to promulgate administrative regulations concerning the certification of wastewater operators. KRS 223.200 requires the cabinet to promulgate administrative regulations concerning the certification of water treatment and distribution system operators. KRS 224.73-110 requires wastewater system operators to be certified by the cabinet.[~~EO 2009-538, effective June 12, 2009, establishes the new Energy and Environment Cabinet.~~] This administrative regulation establishes definitions applicable to the certification of wastewater and water operators.

Section 1. Definitions. (1) "Active certificate" means a current and valid certificate that:
(a) Has been renewed for the current period as established in 401 KAR 11:050; and
(b) Authorizes the operator to operate the type of water or wastewater facility indicated on the certificate.
(2) "Applicant" means a person who has submitted an application to take an examination for certification.
(3)[~~(2)~~] "Board" means the:
(a)[~~The~~] Kentucky Board of Certification of Wastewater System Operators; or
(b)[~~The~~] Kentucky Board of Certification of Water Treatment and Distribution System Operators.
(4)[~~(3)~~] "Cabinet" is defined by KRS 224.01-010(9).
(5)[~~(4)~~] "Certificate" means a certificate of competency issued by the cabinet stating that the operator has met the requirements for the specified operator classification as established by 401 KAR Chapter 11.
(6)[~~(5)~~] "Certified operator" means an individual that holds an active certified operator's certificate issued in accordance with 401 KAR 11:050.
(7) "Certified Training Provider" or "CTP" means a continuing education or training provider that has been approved by the cabinet, in consultation with the board, and that offers continuing education or training that:
(a) Is pertinent to the practice of drinking water or wastewater plant operation;
(b) Contributes to operator competency beyond the knowledge obtained in the initial certification preparatory program; and
(c) Is pertinent to specific work requirements.
(8)[~~(6)~~] "Core content" means the information identified as essential by the board for purposes of certification examination and continuing education training.
(9)[~~(7)~~] "Direct responsible charge" means personal, first-hand responsibility to conduct or actively oversee and direct procedures and practices necessary to ensure that the drinking water treatment plant or distribution system is operated in accordance with accepted practices and with KRS Chapters 223 and 224 and 401 KAR Chapters 8 and 11.
(10) "Inactive certificate" means a certificate:
(a) For which only the renewal fee has been paid;
(b) For which continuing education required by 401 KAR 11:050 has not been met; and
(c) That shall not give the certificate holder the authority or credentials to operate any type of water or wastewater plant until the certificate has been returned to active status.
(11)[~~(8)~~] "Operator" means a person involved in the operation of a wastewater treatment plant, wastewater collection system, drinking water treatment plant, or drinking water distribution system.
(12)[~~(9)~~] "Primary responsibility" means personal, first-hand responsibility to conduct or actively oversee and direct procedures and practices necessary to ensure that the wastewater treatment plant or wastewater collection system is operated in accordance with accepted practices and with KRS Chapter 224 and 401 KAR Chapters 5 and 11.

CHARLES G. SNAVELY, Secretary
APPROVED BY AGENCY: May 9, 2019
FILED WITH LRC: May 13, 2019 at 9 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 27, 2019 at 6:00 p.m. Eastern Time at the Department for Environmental Protection, Training Room B, 300 Sower Boulevard, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be 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 through June 30, 2019. 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: Carole J. Catalfo, Internal Policy Analyst, RPPS, Division of Water, 3rd Floor, 300 Sower Boulevard, Frankfort, Kentucky 40601, phone (502) 564-3410, fax (502) 564-9003, email water@ky.gov (Subject line: "Chapter 11 regulations").

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes definitions for terms used in 401 KAR Chapter 11.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to define terms used in 401

KAR Chapter 11.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-110 authorizes the cabinet to promulgate administrative regulations concerning the certification of wastewater operators. KRS 223.200 requires the cabinet to promulgate administrative regulations concerning the certification of water treatment and distribution system operators. KRS 224.73-110 requires wastewater system operators to be certified by the cabinet. This administrative regulation establishes definitions applicable to the certification of wastewater and water operators.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides definitions for terms used throughout 401 KAR Chapter 11 for proper interpretation and enforcement.

(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 definitions for "Active certificate", "Certified training provider", and "Inactive certificate".

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary for clarification of terms used in 401 KAR Chapter 11.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-110 authorizes the cabinet to promulgate administrative regulations concerning the certification of wastewater operators. KRS 223.200 requires the cabinet to promulgate administrative regulations concerning the certification of water treatment and distribution system operators. KRS 224.73-110 requires wastewater system operators to be certified by the cabinet. This administrative regulation establishes definitions applicable to the certification of wastewater and water operators.

(d) How the amendment will assist in the effective administration of the statutes: The amendment adds two terms used in 401 KAR Chapter 11.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Certified water and wastewater operators, operator-candidates, and state or local governments that operate drinking water or wastewater plants will be affected by the amendment.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This administrative regulation establishes definitions only. No further actions will be needed to comply.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Affected entities will have clear definitions for understanding the terms used throughout 401 KAR Chapter 11.

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

(a) Initially: This administrative regulation will not result in additional costs.

(b) On a continuing basis: This administrative regulation will not result in additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This administrative regulation establishes definitions only. No changes in funding are necessary.

(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 establishes definitions only. No changes in fees or funding will be necessary.

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

(9) TIERING: Is tiering applied? Tiering is not applied because definitions do not require tiering.

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? Government entities using the regulations in 401 KAR Chapter 11 will have clear definitions for terms used throughout the chapter.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 224.10-110 authorizes the cabinet to promulgate administrative regulations concerning the certification of wastewater operators. KRS 223.200 requires the cabinet to promulgate administrative regulations concerning the certification of water treatment and distribution system operators. KRS 224.73-110 requires wastewater system operators to be certified by the cabinet.

(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? This administrative regulation establishes definitions only and will not generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation establishes definitions only and will not generate any revenue.

(c) How much will it cost to administer this program for the first year? This administrative regulation establishes definitions only and will not result in additional costs.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation establishes definitions only and will not result in additional costs.

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

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: This administrative regulation establishes definitions only and will not result in additional revenue or costs.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. There is no federal mandate regarding the establishment of definitions.

2. State compliance standards. KRS 223.200, 224.10-100, 224.10-110, 224.73-110

3. Minimum or uniform standards contained in the federal mandate. There is no federal mandate regarding the establishment of definitions.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate? No. There is no federal mandate regarding the establishment of definitions.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There is no federal mandate regarding the establishment of definitions.

ENERGY AND ENVIRONMENT CABINET
Department of Environmental Protection
Division of Water
(Amendment)

401 KAR 11:030. Wastewater treatment and collection system operators; classification and qualifications.

RELATES TO: KRS 224.73-110

STATUTORY AUTHORITY: KRS 224.10-100, 224.10-110, 224.73-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.73-110 requires a person operating a public or private sewage system to possesses necessary skills, pass an examination, and hold a certificate issued by the cabinet unless the person is operating a sewage system located at the residence where the person lives and the sewage system serves only one (1) residence. KRS 224.10-110 requires the cabinet to establish programs and enforce cabinet regulations for the certification of sewage system operators.[~~authorizes the cabinet to promulgate administrative regulations concerning the certification of wastewater.~~] This administrative regulation establishes classifications and qualifications for[~~classification of~~] wastewater treatment and collection operator certifications[~~and establishes the qualifications for certification~~].

Section 1. Classification of Wastewater Operator Certifications. (1) Wastewater treatment certifications.

(a) Limited certification.[~~As provided in KRS 224.73-110(5),~~] An operator issued a limited certificate may have primary responsibility for a school wastewater treatment plant and collection system as established in KRS 224.73-110(5).

(b) Class I Treatment certification.[~~1.~~] A Class I treatment operator:

1. May have primary responsibility for a wastewater treatment plant with a design capacity less than or equal to 50,000 gallons per day; and[~~.~~]

2.[~~A Class I Treatment operator~~] Shall not have primary responsibility for a wastewater treatment plant with a larger design capacity as established in 401 KAR 5:010.

(c) Class II Treatment certification.[~~1.~~] A Class II Treatment operator:

1. May have primary responsibility for a wastewater treatment plant with a design capacity less than or equal to two (2) million gallons per day; and[~~.~~]

2.[~~A Class II Treatment operator~~] Shall not have primary responsibility for a wastewater treatment plant with a larger design capacity as established in 401 KAR 5:010.

(d) Class III Treatment certification.[~~1.~~] A Class III Treatment operator:

1. May have primary responsibility for a wastewater treatment plant with a design capacity less than or equal to seven and one-half (7 1/2) million gallons per day; and[~~.~~]

2.[~~A Class III Treatment operator~~] Shall not have primary responsibility for a wastewater treatment plant with a larger design capacity as established in 401 KAR 5:010.

(e) Class IV Treatment certification. A Class IV Treatment operator may have primary responsibility for a wastewater treatment plant of any design capacity.

(2) Wastewater collection certifications.

(a) Class I Collection certification.[~~1.~~] A Class I Collection operator:

1. May have primary responsibility for a wastewater collection system that transports wastewater to a treatment plant with a design capacity of less than or equal to 50,000 gallons per day; and[.]

2.[~~A Class I Collection operator~~] Shall not have primary responsibility for a wastewater collection system that transports wastewater to a treatment plant with a larger design capacity as established in 401 KAR 5:010.

(b) Class II Collection certification. [~~1.~~] A Class II Collection operator:

1. May have primary responsibility for a wastewater collection system that transports wastewater to a treatment plant with a design capacity of less than or equal to two (2) million gallons per day; and[~~.~~]

2.[~~A Class II Collection operator~~] Shall not have primary responsibility for a wastewater collection system that transports wastewater to a treatment plant with a larger design capacity as established in 401 KAR 5:010.

(c) Class III Collection certification.[~~1.~~] A Class III Collection operator:

1. May have primary responsibility for a wastewater collection system that transports wastewater to a treatment plant with a design capacity of less than or equal to seven and one-half (71/2) million gallons per day; and[.]

2.[~~A Class III Collection operator~~] Shall not have primary responsibility for a wastewater collection system that transports wastewater to a treatment plant with a larger design capacity as established in 401 KAR 5:010.

(d) Class IV Collection certification. A Class IV Collection operator may have primary responsibility for any wastewater collection system.

(3) Operator in Training designations.

(a)[~~Except as provided in paragraphs (c) and (d) of this subsection,~~] A certified operator with an Operator in Training designation shall not have primary responsibility of a wastewater treatment plant or wastewater collection system as established in this subsection and in 401 KAR 5:010.

(b) A Class I Operator In Training shall not have primary responsibility of a wastewater treatment plant or wastewater collection system.

(c) A certified operator with an Operator in Training designation shall work under the direct supervision of a certified operator who:

1. Works at the same facility; and

2. Has obtained a certification level that is equal to or greater than the certification level required to serve in primary responsibility of the facility.[~~(c) A wastewater Class I Treatment operator with an Operator in Training designation who operates a wastewater treatment plant owned by the operator that serves only one (1) residence:~~

~~1. May have primary responsibility for that system; and~~

~~2. Shall be exempt from paragraph (b) of this subsection and 401 KAR 11:050, Section 1(2)(b) and (9)(a)3.~~]

(d) An Operator In Training may have primary responsibility for a wastewater collection system or wastewater treatment plant for which the operator has obtained Class II through Class IV certification required by this section[~~If a certified operator also has been issued a wastewater treatment or collection certification without an Operator in Training designation, the operator may have primary responsibility for a wastewater treatment plant or collection system as provided by this section for the certifications that do not have an Operator in Training designation~~].

Section 2. Wastewater Operator Qualifications: Experience, Education, and Equivalencies. An individual desiring to become a certified operator shall meet the[~~following~~] minimum education and experience requirements established in this section[~~qualifications~~] prior to the cabinet approving the individual to take a certification examination as established[~~provided~~] in 401 KAR 11:050. (1) The minimum education and experience requirement for each class of wastewater treatment certification[~~certifications~~] shall be as established in this subsection.[~~follows:~~]

(a) Limited certification. The cabinet may issue a limited certificate as established in KRS 223.73-110(5) if the applicant demonstrates the knowledge and experience required to properly operate the particular sewage system for which the applicant shall be responsible.[~~1. Education. A minimum level of education shall not be required.~~

~~2. Experience. A minimum level of experience shall not be required.~~]

(b) Class I Treatment certification.

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] One (1) year of[~~acceptable~~] operation of a wastewater treatment plant [~~shall be required~~].

(c) Class II Treatment certification.

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] Two (2) years of[~~acceptable~~] operation of a wastewater treatment plant[~~shall be required~~].

(d) Class III Treatment certification.

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] Three (3) years of[~~acceptable~~] operation of a wastewater treatment plant with one (1) year of that experience in a wastewater treatment plant with a design capacity greater than 50,000 gallons per day[~~shall be required~~].

(e) Class IV Treatment certification.

1.[~~Education.~~] A baccalaureate degree in engineering, or biological, environmental, physical, or chemical science, or equivalent[~~shall be required~~]; and

2.[~~Experience.~~] At least three (3)[~~five (5)~~] years of[~~acceptable~~] operation of a wastewater treatment plant[~~shall be required~~].

a. Two (2)[~~Three (3)~~] years of the required experience shall be in a wastewater treatment plant with a design capacity greater than two (2) million gallons per day[~~shall be required~~]; and

b. At least one (1) year[~~two (2) years~~] of primary responsibility shall be in a wastewater treatment plant with a design capacity greater than two (2) million gallons per day[~~shall be required~~].

(2) The minimum educational and experience requirements[~~qualifications~~] for wastewater collection certifications shall be as established in this subsection.[~~follows:~~]

(a) Class I Collection certification.

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] One (1) year of[~~acceptable~~] operation of a wastewater collection system[~~shall be required~~].

(b) Class II Collection certification.

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] Two (2) years of[~~acceptable~~] operation of a wastewater collection system[~~shall be required~~].

(c) Class III Collection certification.

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] Three (3) years of[~~acceptable~~] operation of a wastewater collection system with one (1) year of that experience in a wastewater collection system that transports wastewater to a treatment plant with a design capacity of greater than 50,000 gallons per day[~~shall be required~~].

(d) Class IV Collection certification.

1.[~~Education.~~] A baccalaureate degree in engineering,[~~;~~] or biological, environmental,[~~technology; biological,~~] physical, or chemical science[~~sciences~~]; or equivalent[~~shall be required~~]; and

2.[~~Experience.~~] At least three (3)[~~five (5)~~] years of[~~acceptable~~] operation of a wastewater collection system[~~shall be required~~].[~~a.~~] At least two (2)[~~Three (3)~~] years of the required experience shall be in a wastewater collection system that transports wastewater to a treatment plant with a design capacity of greater than two (2) million gallons per day[~~shall be required; and~~

~~b. At least two (2) years of primary responsibility in a wastewater collection system that transports wastewater to a treatment plant with a design capacity of greater than two (2) million gallons per day shall be required~~].

(3)[~~The educational and experience qualifications for~~] Operator in Training designations. [~~shall be as follows:~~]

(a) Class I Treatment and Class I Collection certifications.

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] Experience shall not be required.

(b) All other applicants for the classifications identified in Section 1(1) and (2) of this administrative regulation:

1. Shall have successfully qualified for and passed the certification exam of the same type classification at one (1) level lower than the Operator in Training designation being pursued; and

2. Shall not have been subject to disciplinary action as provided by 401 KAR 11:050[~~, Section 4~~].

(4) Substitutions. The cabinet shall allow[~~the following~~] substitutions as established in this subsection for education and experience requirements established[~~the qualifications specified~~] in subsections (1) and (2) of this section.[~~:~~]

(a) Education in[~~environmental~~] engineering[~~; environmental technology; and~~] or biological, environmental, physical, or chemical science or equivalent[~~sciences~~] shall be substituted if the substitution does not exceed fifty (50) percent of the required experience.

1. An associate degree may substitute for two (2) years of experience.

2. A baccalaureate degree may substitute for four (4) years of experience.

3. Ten (10) contact hours, one (1) Continuing Education Unit, or one (1) postsecondary education quarter hour in any subject with a grade of C or higher shall substitute for 0.022 years of experience.

4. One (1) postsecondary education semester hour in any subject with a passing grade of C or higher shall substitute for 0.033 years of experience.

(b)[~~3.~~] Education that did not result in a degree in engineering or biological, environmental, physical, or chemical science may[~~a related field shall~~] be substituted if the substitution does not exceed twenty-five (25) percent of the required experience.[~~for the required experience as follows:~~

~~a.~~]

1. An associate degree may substitute for a maximum of one (1) year of experience.

2. A baccalaureate degree may substitute for a maximum of two (2) years of experience.

3. Ten (10) contact hours, one (1) Continuing Education Unit, or one (1) postsecondary education quarter hour in any subject with a passing grade of C or higher shall substitute for 0.011[~~0.022~~] years of experience.

4.[~~b.~~] One (1) postsecondary education semester hour in any subject with a passing grade of C or higher shall substitute for 0.016[~~0.033~~] years of experience.

5. Ten (10) contact hours, one (1) Continuing Education Unit, or one (1) postsecondary education quarter hour in engineering, mathematics or biological, environmental, physical, or chemical science with a passing grade of C or higher shall substitute for 0.022 years of experience.

6. One (1) postsecondary education semester hour in engineering, mathematics or biological, environmental, physical, or chemical science with a passing grade of C or higher shall substitute for 0.033 years of experience.

(c)[~~4.~~] Education applied to the experience requirements established in subsections (1) and (2) of this section shall not be applied to the education requirement.

(d)[~~(b)~~] Treatment and collection experience may[~~shall~~] be substituted for the educational requirement as established in this paragraph.[~~follows:~~]

1. One (1) year of operational experience at a treatment plant may[~~shall~~] substitute for one (1) year of education.

2. One (1) year of collection system experience may[~~shall~~] substitute for one (1) year of education.

3. a. The cabinet may allow partial substitution of the education requirement with[~~by~~] experience in:

i. Maintenance;[,]

ii. Laboratory analysis;[~~,~~] or

iii. Other work related to the collection, treatment, or distribution of drinking water or wastewater.

b. To establish the amount of[~~how much~~] experience that shall be accepted, the cabinet shall determine the degree of:

i. Technical knowledge needed to perform the work; and[~~the degree of~~]

ii. Responsibility the applicant had in the operation of the system.

4. Experience applied to the education requirement established in subsections (1) and (2) of this section shall not be applied to the experience requirement.

(e)[~~(c)~~] Collection system,[~~and~~] treatment, and distribution experience may be substituted as established in this paragraph.[~~follows:~~]

1.[~~1a.~~] Four (4) years of collection system experience may[~~shall~~] be considered equivalent to one (1) year of treatment experience.[~~b. This substitution shall not account for more than fifty (50) percent of the experience required by subsection (1) of this section.~~]

2. One (1) year of treatment experience may[~~shall~~] be considered equivalent to one (1) year of collection system experience.

3. One (1) year of distribution system experience as established in 401 KAR 11:040 may substitute for one (1) year of collection experience.

4. Substitutions under this paragraph shall not account for more than fifty (50) percent of the experience requirement.

(f) Experience that is not related to water collection, treatment, or distribution may be substituted as established in this paragraph.

1. Two (2) years of experience in laboratory analysis may be considered equivalent to one (1) year of treatment experience or six (6) months of collection experience.

2. Two (2) years of experience in the construction trades, construction management, engineering, plumbing, or electronics may be considered equivalent to one (1) year of collection experience or six (6) months of treatment experience.

3. Work experience in an area or specialty unrelated to those established in this paragraph may be substituted for up to six (6) months of collection or treatment experience.

4. To establish the amount of experience that shall be accepted, the cabinet shall determine the degree of:

i. Technical knowledge needed to perform the work; and

ii. Responsibility the applicant had in performing the work.

5. Substitutions under this paragraph shall not account for more than fifty (50) percent of the experience required by this administrative regulation.

(6) Apprenticeships. An applicant who completes a state-approved treatment or collection apprenticeship program may be eligible for treatment or collection certification if the applicant also achieves a passing score of seventy percent (70%) or above on a cabinet-administered examination.

(7) Equivalency. An operator who has received wastewater operator certification in a state, territory, or possession of the United States may be given an equivalent certification in Kentucky based on the:

(a) Level of certification obtained in the state, territory, or possession of the United States;

(b) Number of years of wastewater operator experience obtained while holding valid certification from another state, territory, or possession of the United States; and

(c) Type, size, and capacity of the wastewater plant or plants at which the certified operator obtained experience.

(8) Reciprocity. The cabinet may establish a reciprocal agreement for operator certification with any other state, territory, or possession of the United States if the cabinet determines that operator certification requirements of the other state, territory, or possession of the United States are at least as stringent as those established in this administrative regulation.

CHARLES SNAVELY, Secretary

APPROVED BY AGENCY: May 9, 2019

FILED WITH LRC: May 13, 2019 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 27, 2019 at 6:00 p.m. Eastern Time at 300 Sower Boulevard, 1st Floor, Training Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Carole J. Catalfo, Internal Policy Analyst, RPPS, Division of Water, 300 Sower Boulevard, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 782-6914, fax (502) 564-4245, email water@ky.gov (Subject line: "Chapter 11 regulations")

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes qualifications and classifications for wastewater treatment and collection system operators.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to protect public health by ensuring that wastewater treatment and collection system operators obtain and maintain adequate education, experience, and training.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.73-110 requires any person operating a public or private sewerage system to possesses necessary skills, pass an examination, and hold a certificate issued by the cabinet. KRS 224.10-110 requires the cabinet to establish programs and enforce cabinet regulations for the certification of water and sewage plant operators. This administrative regulation establishes classifications and qualifications for wastewater treatment and collection operator certifications.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the administration of the statutes by establishing specific educational, experience, and training qualifications and criteria for operators of sewage systems as required by the authorizing statutes.

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

(a) How the amendment will change this existing administrative regulation: The amendments clarify the education and training requirements for Operator In Training classifications, and the systems for which they may be responsible, clarify that a Class I Operator In Training need only a high school diploma or GED, allow non-related college degrees to substitute for up to twenty-five (25) percent of the experience requirement, expand acceptable experience, establish a certification route for apprenticeship programs approved by the Kentucky Labor Cabinet, establish equivalency requirements for certified out-of-state operators who wish to obtain Kentucky certification, allow the cabinet to enter agreements with other states, territories, and possessions of the United States for reciprocal operator certification, and make grammatical corrections to comply with KRS Chapter 13A.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to clarify education and training requirements for Operator In Training classifications, clarify the systems for which they may be responsible, allow non-related college degrees to substitute for up to twenty-five (25) percent of experience requirements, expand acceptable experience, and establish routes for equivalent and reciprocal operator certification which should assist in easing the shortage of qualified wastewater collection and treatment operators.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.73-110 requires any person operating a public or private sewerage system to possesses necessary skills, pass an examination, and hold a certificate issued by the cabinet. KRS 224.10-110 requires the cabinet to establish programs and enforce cabinet regulations for the certification of water and sewage plant operators. This administrative regulation establishes classifications and qualifications for wastewater treatment and collection operator certifications.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation assists in the administration of the statutes by clarifying education and training requirements for Operator In Training classifications,

clarifying the systems for which they may be responsible, allowing non-related college degrees to substitute for up to twenty-five (25) percent of experience requirements, expanding acceptable experience, establishing a certification route for apprenticeship programs approved by the Kentucky Labor Cabinet, and establishing routes for reciprocal and equivalent operator certification which should assist in easing the shortage of qualified wastewater collection and treatment operators.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Certified wastewater operators, operator-candidates, and state or local governments that operate wastewater plants will be affected by the amendment.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The regulated entities will not need to take any additional action. This amendment should assist in easing the shortage of wastewater collection and treatment operators by allowing an additional substitution of non-related college degrees for required experience, expanding acceptable experience, and establishing routes for apprenticeship, equivalent, and reciprocal operator certification.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment will not result in additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment should assist in easing the shortage of wastewater collection and treatment operators by allowing an additional substitution of non-related college degrees for required experience, expanding acceptable experience, and establishing routes for apprenticeship, equivalent, and reciprocal operator certification.

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

(a) Initially: This amendment will not result in additional costs.

(b) On a continuing basis: This amendment will not result in additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Certification fees and state general funds. The amendments to this administrative regulation will not require a change in 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: The amendments to this administrative regulation will 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 any fees directly or indirectly. Fees for operator certification are established in 401 KAR 11:060.

(9) TIERING: Is tiering applied? Yes, tiering is applied in this administrative regulation. Wastewater treatment and collection system operator education, training, and experience requirements differ depending on the classification of certificate the operator seeks, and the type and size of the system the operator is responsible for.

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? This regulation will impact the Division of Water and Division of Compliance Assistance, both within the cabinet's Department of Environmental Protection, and state or local governments that operate drinking water or wastewater facilities.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 224.10-110, 224.73-110.

(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? This administrative regulation will not generate revenue.

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

(c) How much will it cost to administer this program for the first year? This administrative regulation will not result in additional costs.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will not result in additional costs.

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

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: This administrative regulation will not result in additional costs or generate revenue.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. There is no federal statute or regulation addressing certified wastewater operators.

2. State compliance standards. KRS 224.10-100, 224.10-110, and 224.73-110

3. Minimum or uniform standards contained in the federal mandate. There are no federal standards for certified wastewater operators.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate? No. There is no federal mandate for certified wastewater operators.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There are no federal standards for certified wastewater operators.

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water
(Amendment)

401 KAR 11:040. Water treatment and distribution system operators; classification and qualifications.

RELATES TO: KRS 223.160 through 223.220[~~223.160-220~~], 224.10-100, 224.10-110[~~, EO 2009-538~~]

STATUTORY AUTHORITY: KRS 223.160 through 223.220[~~223.160-220~~], 224.10-100, 224.10-110[~~,EO 2009-538~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 authorizes[~~and 224.10-110 authorize~~] the cabinet to promulgate administrative regulations concerning the certification of water operators. KRS 224.10-110 requires the cabinet to establish programs and enforce cabinet regulations for the certification of water plant operators. KRS 223.160 through 223.220 authorizes the cabinet to establish qualifications and examinations, and issue certificates for, water plant operators[~~EO 2009-538, effective June 12, 2009, establishes the new Energy and Environment Cabinet~~]. This administrative regulation establishes classification of water treatment and distribution operator certifications and establishes the qualifications for certification.

Section 1. Classification of Water Operator Certifications. (1) Water treatment certifications.

(a) Limited certification.[~~As provided in KRS 223.160(2),~~] An operator issued a limited certificate may have primary responsibility for a water treatment facility for a school and for a semipublic water supply as established in KRS 223.160.

(b) Class IA-D treatment certification.[~~1.~~] A Class IA-D treatment operator:

1. May be in direct responsible charge for a Class IA-D or Class IB-D water treatment plant as established in 401 KAR 8:030; and[~~, Section 2.~~]

2.[~~A Class IA-D treatment operator~~] Shall not be in direct responsible charge for a water treatment plant with a larger design capacity.

(c) Class IB-D treatment certification.[~~1.~~] A Class IB-D treatment operator:

1. May be in direct responsible charge for a Class IB-D water treatment plant[~~,~~] as established in 401 KAR 8:030; and[, Section 2.]

2.[~~A Class IB-D treatment operator~~] Shall not be in direct responsible charge for a water treatment plant with a larger design capacity.

(d) Class IIA treatment certification.[~~1.~~] A Class IIA treatment operator:

1. May be in direct responsible charge for a Class IIA water treatment plant or a Subclass A or B water treatment plant of an equal to or smaller design capacity[~~,~~] as established in 401 KAR 8:030; and[~~, Section 2.~~]

2.[~~A Class IIA treatment operator~~] Shall not be in direct responsible charge for a water treatment plant with a larger design capacity.

(e) Class IIB-D treatment certification.[~~1.~~] A Class IIB-D treatment operator:

1. May be in direct responsible charge for a Class IIB-D water treatment plant or a Subclass B water treatment plant of a smaller design capacity[~~,~~] as established in 401 KAR 8:030; and[~~, Section 2.~~]

2.[~~A Class IIB-D treatment operator~~] Shall not be in direct responsible charge for a water treatment plant with a larger design capacity.

(f) Class IIIA treatment certification.[~~1.~~] A Class IIIA treatment operator:

1. May be in direct responsible charge for a Class IIIA water treatment plant or a Subclass A or B water treatment plant of an equal to or smaller design capacity[~~,~~] as established in 401 KAR 8:030; and[~~, Section 2.~~]

2.[~~A Class IIIA treatment operator~~] Shall not be in direct responsible charge for a water treatment plant with a larger design capacity.

(g) Class IIIB treatment certification.[~~1.~~] A Class IIIB treatment operator:

1. May be in direct responsible charge for a Class IIIB water treatment plant or a Subclass B water treatment plant of a smaller design capacity[~~,~~] as established in 401 KAR 8:030; and[~~, Section 2.~~]

2.[~~A Class IIIB treatment operator~~] Shall not be in direct responsible charge for a water treatment plant with a larger design capacity.

(h) Class IVA treatment certification.[~~1.~~] A Class IVA treatment operator may be in direct responsible charge of any Subclass A or B water treatment plant[~~,~~] as established in 401 KAR 8:030[~~, Section 2~~].

(i) Class IVB treatment certification. A Class IVB treatment operator may be in direct responsible charge of any Subclass B water treatment plant, as established in 401 KAR 8:030[~~, Section 2~~].

(2) Water distribution certifications.

(a) Class ID distribution certification.[~~1.~~] A Class ID distribution operator:

1. May be in direct responsible charge for a Class ID water distribution system[~~,~~] as established in 401 KAR 8:030; and[~~, Section 2.~~]

2.[~~A Class ID distribution operator~~] shall not be in direct responsible charge for a water distribution system serving a larger population.

(b) Class IID distribution certification.[~~1.~~] A Class IID distribution operator:

1. May be in direct responsible charge for a Class IID[~~IIID~~] water distribution system[~~,~~] as established in 401 KAR 8:030; and[~~, Section 2.~~]

2.[~~A Class IID distribution operator~~] Shall not be in direct responsible charge for a water distribution system serving a larger population.

(c) Class IIID distribution certification.[~~1.~~] A Class IIID distribution operator:

1. May be in direct responsible charge for a Class IIID water distribution system[~~,~~] as established in 401 KAR 8:030; and[~~, Section 2.~~]

2.[~~A Class IIID distribution operator~~] Shall not be in direct responsible charge for a water distribution system serving a larger population.

(d) Class IVD distribution certification.[~~1.~~] A Class IVD distribution operator may be in direct responsible charge of any water distribution system.

(3) Bottled water certification. A bottled water operator may be in direct responsible charge for a bottled water system that bottles water for sale.

(4) Operator in Training certifications.

(a)[~~Except as provided in paragraph (c) of this subsection,~~] A certified operator with an Operator in Training designation shall not be in direct responsible charge of a water treatment plant or distribution system as established in this subsection and in 401 KAR 8:030.

(b) A Class I Operator In Training shall not be in direct responsible charge of a water treatment, distribution, or bottled water system except as established in 401 KAR 8:030 and paragraph (d) of this section.

(c) A certified operator with an Operator in Training designation shall work under the direct supervision of a certified operator who:

1. Works at the same facility; and

2. Has obtained a certification level that is equal to or greater than the certification level required to serve in direct responsible charge of the facility.

(d) An Operator In Training may have direct responsible charge for a water treatment or distribution system for which the operator holds an active Class II through Class IV certification required for the system as established in 401 KAR 8:030[~~(c) If a certified operator also has been issued a water treatment, distribution, or bottled water certification without an Operator in Training designation, the operator may serve in direct responsible charge a water treatment plant, distribution system or bottled water system as provided by this Section for the certifications that do not have an Operator in Training designation~~].

Section 2. Water Operator Qualifications: Experience, Education, and Equivalencies. An individual desiring to become a certified operator shall meet the[~~following~~] minimum education and experience requirements established in this section[~~qualifications~~] prior to the cabinet approving the individual to take a certification examination as established in 401 KAR 11:050. (1) The minimum education and experience requirement for each class of water treatment certification[~~certifications~~] shall be as established in this subsection.[~~follows:~~]

(a) Limited certification The cabinet may issue a limited certificate as established in KRS 223.160 if the applicant demonstrates the knowledge and experience required to properly operate the particular water treatment facility for which the applicant is responsible.[~~:~~
~~1. Education. A minimum level of education shall not be required.~~
~~2. Experience. A minimum level of experience shall not be required~~].

(b) Class IA-D treatment certification.[~~:~~]

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] One (1) year of[~~acceptable~~] operation of a Subclass A public water system with any design capacity[~~,~~] as

established in 401 KAR 8:030[~~, Section 2, with any design capacity~~].

(c) Class IB-D treatment certification.[~~:~~]

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] One (1) year of[~~acceptable~~] operation of a Subclass A or B public water system with any design capacity[~~,~~] as established in 401 KAR 8:030[~~, Section 2, with any design capacity shall be required~~].

(d) Class IIA treatment certification.[~~:~~]

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] Two (2) years of[~~acceptable~~] operation of a water treatment plant, with six (6) months in a Class IIA, IIIA, or IVA water treatment plant, as established in 401 KAR 8:030[~~, Section 2, shall be required~~].

(e) Class IIB-D treatment certification.[~~:~~]

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] Two (2) years of[~~acceptable~~] operation of a public water system, with six (6) months in a Class IA-D, II B-D, or higher water treatment plant[~~plan~~], as established in 401 KAR 8:030[~~, Section 2, shall be required~~].

(f) Class IIIA treatment certification.[~~:~~]

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] Three (3) years of[~~acceptable~~] operation of a public water treatment plant with one (1) year in a Class IIA, IIIA, or IVA water treatment plant, as established in 401 KAR 8:030, Section 2[~~, shall be required~~].

(g) Class IIIB treatment certification.[~~:~~]

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] Three (3) years of[~~acceptable~~] operation of a public water treatment plant with one (1) year in a Class IIA, IIB-D, IIIA, IIIB, IVA, or IVB water treatment plant, as established in 401 KAR 8:030, Section 2[~~, shall be required~~].

(h) Class IVA treatment certification.[~~:~~]

1.[~~Education.~~] A baccalaureate degree in engineering, or biological, environmental, physical, or chemical science, or equivalent[~~shall be required~~]; and

2.[~~Experience.~~] One (1) year of[~~acceptable~~] operation of a Class IIIA or IVA public water treatment plant[~~,~~] as established in 401 KAR 8:030, Section 2[~~, shall be required~~].

(i) Class IVB treatment certification.[~~:~~]

1.[~~Education.~~] A baccalaureate degree in engineering, or biological, environmental, physical or chemical science, or equivalent[~~shall be required~~]; and

2.[~~Experience.~~] One (1) year of[~~acceptable~~] operation of a Class IIIA, IIIB, IVA, or IVB[~~IV~~] public water treatment plant[~~shall be required~~].

(2) The educational and experience requirements[~~qualifications~~] for water distribution certifications shall be as established in this subsection.[~~as follows:~~]

(a) Class ID distribution certification.[~~:~~]

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] One (1) year of[~~acceptable~~] operation of a water distribution system[~~shall be required~~].

(b) Class IID distribution certification.[~~:~~]

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2. a.[~~Experience.~~]Two (2) years of[~~acceptable~~] operation of a water distribution system; and[~~shall be required.~~]

b. Six (6) months of the required experience shall be in a water distribution system serving a population greater than or equal to 1,500.

(c) Class IIID distribution certification.[~~:~~]

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2. a.[~~Experience.~~] Three (3) years of[~~acceptable~~] operation of a water distribution system; and[~~shall be required~~].

b. One (1) year of the required experience shall be in a water distribution system serving a population greater than or equal to 1,500.

(d) Class IVD distribution certification.[~~:~~]

1.[~~Education.~~] A baccalaureate degree in engineering, or biological, environmental, physical, or chemical science, or equivalent[~~shall be required~~]; and

2.[~~Experience.~~] One (1) year of[~~acceptable~~] operation of a water distribution system serving a population greater than or equal to 15,000[~~shall be required~~].

(3) Bottled water certification. The educational and experience requirements[~~qualifications~~] for bottled water certifications shall be[~~as follows~~]:

(a)[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

(b)[~~Experience.~~] One (1) year of[~~acceptable~~] operation of a bottled water system[~~shall be required~~].

(4) The educational and experience requirements[~~qualifications~~] for Operator in Training designations shall be as established in this subsection.[~~as follows~~]:

(a) Class IA-D Treatment, Class IB-D Treatment, Class ID Distribution, and Bottled Water certifications.

1.[~~Education.~~] A high school diploma or general education development (GED) certificate[~~shall be required~~]; and

2.[~~Experience.~~] Experience shall not be required.

(b) All other applicants for the classifications identified in subsections 1(1) and 1(2) of this administrative regulation:[~~;~~]

1. Shall have successfully qualified for and passed the certification exam of the same type classification at one (1) level lower than the Operator in Training designation being pursued; and

2. Shall not have been subject to disciplinary action as provided by 401 KAR 11:050, Section 4.

(5) Substitutions. The cabinet shall allow[~~the following~~] substitutions as established in this subsection for education and experience requirements as[~~the qualifications~~] established in subsections (1), (2), and (3) of this section.[~~:~~]

(a) Education in[~~environmental~~] engineering,[~~; environmental technology; and~~] or biological, environmental, physical, or chemical science[~~sciences~~], or equivalent shall be substituted if the substitution does not exceed fifty (50) percent of the required experience.

1. An associate degree shall be considered equivalent to two (2) years of experience.

2. A baccalaureate degree shall be considered equivalent to four (4) years of experience.

3. Ten (10) contact hours, one (1) Continuing Education Unit, or one (1) postsecondary education quarter hour in any subject with a passing grade of C or higher shall substitute for 0.022 years of experience.

4. One (1) postsecondary education semester hour in any subject with a passing grade of C or higher shall substitute for 0.033 years of experience.

(b)[~~3.~~] Education that did not result in a degree in engineering or biological, environmental, physical, or chemical science, or equivalent[~~a related field~~] may be substituted if the substitution does not exceed twenty-five (25) percent of the required experience.[~~for the required experience as follows: a.~~]

1. An associate degree may substitute for a maximum of one (1) year of experience.

2. A baccalaureate degree may substitute for a maximum of two (2) years of experience.

3. Ten (10) contact hours, one (1) Continuing Education Unit, or one (1) post-secondary education quarter hour in any subject with a passing grade of C or higher shall be considered equivalent to 0.011[0.022] years of experience.

4.[~~b.~~] One (1) postsecondary education semester hour with a passing grade of C or higher in any subject shall be considered equivalent to 0.016[0.033] years of experience.

5. Ten (10) contact hours, one (1) Continuing Education Unit, or one (1) postsecondary education quarter hour in engineering, mathematics, or biological, environmental, physical, or chemical science with a passing grade of C or higher shall substitute for 0.022 years of experience.

6. One (1) postsecondary education semester hour in

engineering, mathematics or biological, environmental, physical, or chemical science with a passing grade of C or higher shall substitute for 0.033 years of experience.

(c)[4.] Education applied to the experience requirements established[specified] in subsections (1) and (2) of this section shall not be applied to the education requirement.

(d)[(b)] Treatment and distribution experience may be substituted for the educational requirement as established in this paragraph.[follows:]

1. One (1) year of operational experience at a water system may substitute for one (1) year of education.

2.a. The cabinet may allow partial substitution of the education requirement by experience in:

i. Maintenance;[,]

ii. Laboratory analysis;[,] or

iii. Other work related to the collection, treatment, or distribution of drinking water or wastewater.

b. To establish the amount of[how much] experience that shall be accepted, the cabinet shall determine the degree of:

i. Technical knowledge needed to perform the work; and[the degree of]

ii. Responsibility the applicant had in the operation of the system.

3. Experience applied to the education requirement specified in subsections (1) and (2) of this section shall not be applied to the experience requirement.

(e)[(c)] Water treatment,[and] distribution and collection experience may be substituted as established in this paragraph.[follows:]

1. Two (2) years of distribution system experience may[shall] be considered equivalent to one (1) year of treatment experience.

2. One (1) year of treatment experience may[shall] be considered equivalent to one (1) year of distribution system experience.

3. One (1) year of collection experience may be considered equivalent to six (6) months of distribution experience.

4. Substitutions under this paragraph shall not account for more than fifty (50) percent of the experience requirement.

(f) Experience that is not related to water collection, treatment, or distribution may be substituted as established in this paragraph.

1. Two (2) years of experience in laboratory analysis may be considered equivalent to one (1) year of treatment experience or six (6) months of distribution experience.

2. Two (2) years of experience in the construction trades, construction management, engineering, plumbing, or electronics may be considered equivalent to one (1) year of distribution experience or six (6) months of treatment experience.

3. Work experience in an area or specialty unrelated to those established in this paragraph may be substituted for up to six (6) months of collection or treatment experience.

4. To establish the amount of experience that shall be accepted, the cabinet shall determine the degree of:

i. Technical knowledge needed to perform the work; and

ii. Responsibility the applicant had in performing the work.

4. Substitutions under this paragraph shall not account for more than fifty (50) percent of the experience required by this administrative regulation.

(6) Apprenticeships. An applicant who completes a state-approved treatment or distribution apprenticeship program may be eligible for treatment or distribution certification if the applicant also achieves a passing score of seventy (70) percent or above on a cabinet-administered examination.

(7) Equivalency. An operator who has received water operator certification in a state, territory, or possession of the United States may be given an equivalent certification in Kentucky based on the:

1. Level of certification obtained in the other state, territory, or possession of the United States;

2. Number of years of water operator experience obtained while holding valid certification from another state, territory, or possession of the United States; and

3. Type, size, and capacity of the water plant or plants at which the certified operator obtained experience.

(8) Reciprocity. The cabinet may establish a reciprocal agreement for operator certification with any other state, territory, or possession of the United States if the cabinet determines that operator certification requirements of the other state are at least as stringent as those established in this administrative regulation.

CHARLES G. SNAVELY, Secretary

APPROVED BY AGENCY: May 9, 2019

FILED WITH LRC: May 13, 2019 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 27, 2019 at 6:00 p.m. Eastern Time at 300 Sower Boulevard, 1st Floor, Training Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be 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 through June 30, 2019. 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: Carole J. Catalfo, Internal Policy Analyst, RPPS, Division of Water, 300 Sower Boulevard, 3rd Floor, Frankfort, Kentucky 40601, Phone: (502) 782-6914, Fax: (502) 564-4245, Email: water@ky.gov (Subject line: "Chapter 11 regulations")

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes qualifications and classifications for water treatment and distribution system operators.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to protect public health by ensuring that water treatment and distribution system operators have and maintain adequate education, experience, and training.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100 authorizes the cabinet to promulgate administrative regulations concerning the certification of water operators. KRS 224.10-110 requires the cabinet to establish programs and enforce cabinet regulations for the certification of water plant operators. KRS 223.160 through 223.220 authorizes the cabinet to establish qualifications and examinations, and issue certificates for, water plant operators.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the administration of the statutes by establishing specific education, experience, and training qualifications and criteria for operators of water treatment and distribution systems as required by the authorizing statutes.

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

(a) How the amendment will change this existing administrative regulation: The amendment clarifies the education and experience requirements for water system operators, allows non-related college degrees to substitute for up to twenty-five (25) percent of the experience requirement, expands acceptable experience, establishes equivalency requirements for certified out-of-state operators who wish to obtain Kentucky certification, allows the cabinet to enter agreements with other states, territories, and possessions of the United States for reciprocal operator certification, and make grammatical corrections to comply with KRS 13A.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to clarify education and training requirements for drinking water operators, allow non-

related college degrees to substitute for up to twenty-five (25) percent of experience requirements, expand acceptable experience, establish routes for equivalent and reciprocal operator certification which should assist in easing the shortage of qualified drinking water operators, and to correct language to comply with KRS 13A.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100 authorizes the cabinet to promulgate administrative regulations concerning the certification of water operators. KRS 224.10-110 requires the cabinet to establish programs and enforce cabinet regulations for the certification of water plant operators. KRS 223.160 through 223.220 authorizes the cabinet to establish qualifications and examinations, and issue certificates for, water plant operators.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation will assist in the administration of the statutes by allowing some required education and experience substitutions for some classes of operators to help ease the current shortage of water system operators.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Certified drinking water operators, operator-candidates, and state or local governments that operate drinking water plants will be affected by the amendment.

(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: Regulated entities will not need to take additional actions.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This administrative regulation will not result in additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment should assist in easing the shortage of drinking water operators by allowing an additional substitution of non-related college degrees for required experience, expanding acceptable experience, and establishing routes for equivalent and reciprocal operator certification.

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

(a) Initially: This amendment will not result in additional costs.

(b) On a continuing basis: This amendment will not result in additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Certification fees and state general funds. The amendments to this administrative regulation will not require a change in 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: The amendments to this administrative regulation will 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 any fees directly or indirectly. Fees for operator certification are established in 401 KAR 11:060.

(9) TIERING: Is tiering applied? Yes, tiering is applied in this administrative regulation. Drinking water operator education, training, and experience differ depending on the type and size of the system the operator is responsible for. Larger systems require a more extensive combination of education, training, and experience.

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? This regulation will impact the Division of Water and Division of Compliance Assistance, both within the cabinet's Department of Environmental Protection, and state or local governments that operate drinking water or wastewater facilities.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 224.10-100, 224.10-110, 224.73-110.

(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? This administrative regulation will not result in increased revenue.

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

(c) How much will it cost to administer this program for the first year? This administrative regulation will not result in additional costs.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will not result in additional costs.

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

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: This administrative regulation will not result in additional revenue or increased costs.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. There is no federal statute or regulation that mandates certified operators, however, state drinking water revolving funds can be withheld by the federal government if the state does not have a acceptable certified operator program.

2. State compliance standards. KRS 224.10-100, 224.10-110, 224.73-110

3. Minimum or uniform standards contained in the federal mandate. There are federal guidelines, but no minimum or uniform federal standards, for certified operators.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate? No. There is no federal mandate for certified operators.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There is no federal mandate for certified operators.

ENERGY AND ENVIRONMENT CABINET
Department of Environmental Protection
Division of Water
(Amendment)

401 KAR 11:050. Operator and training provider certification.

RELATES TO: KRS 223.160 through 223.220[~~223.160-220~~], 224.10-420(2), 224.73-110[~~, EO 2009-538~~]

STATUTORY AUTHORITY: KRS 223.160 through 220 [~~223.160-220~~], 224.10-100, 224.10-110, 224.73-110 [~~, EO 2009-538~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-110 authorizes the cabinet to promulgate administrative regulations concerning the certification of water and wastewater operators.

KRS 223.160 through 223.220 authorizes the cabinet to establish qualifications and examinations and establish fees for certification of water plant operators. KRS 224.73-110 authorizes the cabinet to promulgate administrative regulations for the certification of wastewater operators.[EO 2009-538, effective June 12, 2009, establishes the new Energy and Environment Cabinet.] This administrative regulation establishes application and examination procedures.[;] provisions relating to certificate issuance, renewal, and termination; reciprocity; equivalency; training; and disciplinary actions for water and wastewater operators. This administrative regulation also establishes requirements for the certification of operator training providers.

Section 1. Application and Examination for Certification. (1) An individual desiring to become a certified operator shall:

(a)[first] Meet the education and experience requirements[qualifications] established in 401 KAR 11:030 or 11:040; and

(b) Achieve a minimum passing score of seventy (70) percent on[then pass] an examination administered by the cabinet.

(2)(a) An applicant for certification shall submit to the cabinet:[complete the]

1. A completed Registration Form for Exams and Training;[and]

2. A completed Education and Experience Documentation Form; and[shall submit them and]

3. The certification application fee as established in 401 KAR 11:060[to the cabinet].

(b) In addition to the requirements established in[of] paragraph (a) of this subsection, an applicant desiring to obtain an Operator in Training designation shall submit a signed letter from[for] a certified operator located at the facility where the applicant will work. The letter shall include:

1. A statement from the certified operator indicating that the certified operator shall oversee the work of the applicant seeking an Operator in Training designation;

2. A commitment that the certified operator shall serve as a mentor to the applicant seeking an Operator in Training designation as long as the applicant is under the certified operator's direct responsible charge; and

3.[Verification that the certified operator is not currently the mentor for any other individuals with an Operator in Training designation; and

4.] Confirmation that the certified operator has obtained a certification level that is equal to or greater than the certification level required to serve in primary responsibility or in direct responsible charge of the facility.

(c) An application shall not be submitted to the cabinet unless the applicant has met the requirements[qualifications] for examination.

(3)(a) After receipt of the application items for Class IV operators established in subsection (2) of this section, the cabinet, considering the recommendation of the board, shall determine if the applicant meets the requirements[qualifications] established in 401 KAR 11:030 or 11:040.

(b) After receipt of the application items established in subsection (2) of this section, the cabinet shall determine if the applicant meets the requirements established in 401 KAR 11:030 or 11:040.

(c) If the applicant meets the requirements established in 401 KAR 11:030 or 11:040[qualifications], the cabinet shall approve the application and notify the applicant of the scheduled exam date.

(4)(a) Upon the applicant's completion of the examination, the cabinet shall notify the applicant of the applicant's examination score.

(b) A score of at least seventy (70) percent shall be required to pass the examination.

(5)(a) The cabinet shall issue a certificate and a wallet card to an applicant who successfully passes the certification examination.

(b) The certificate and wallet card shall designate the certification classification for which the operator has demonstrated competency.

(6) An applicant who fails to pass an examination may apply to take the examination again by resubmitting the Registration Form for Exams and Training and the application fee to the cabinet.

(7)(a) An examination shall not be returned to the applicant, but results may be reviewed by the applicant with a member of the cabinet.

(b) A request for a review shall be submitted to the cabinet in writing.

(8) (a) An equivalent certification may[A certificate shall] be issued[in a comparable classification], without examination, to a person who holds a valid certificate in a state, territory, or possession of the U.S. as established in 401 KAR 11:030 and 11:040.[if:

(a) The requirements for certification under which the certificate was issued are not less stringent than the requirements for certification established in KRS 223.160-220, 224.73-110, and 401 KAR Chapter 11; and]

(b) The applicant shall submit[submits] an Application for Reciprocity and Equivalency form and the reciprocity or equivalency fee as established in 401 KAR 11:060 to the cabinet.

(9)(a) A certified operator who holds an Operator in Training designation may upgrade the certification by removing the Operator in Training designation without examination if the operator:

1. Has satisfied the requirements established in[of] Section 3(1)(a) and (b) of this administrative regulation;

2. Has acquired the minimum experience required for the certification being pursued as established in[required by] 401 KAR 11:030 or 11:040; and

3. Submits a letter from the certified operator who has served as the applicant's mentor during the Operator in Training period that recommends the removal of the Operator in Training designation.

(b) A certified operator with an Operator in Training designation who is unable to comply with the requirements established in paragraph (a) of this subsection shall apply for and retake the certification exam to upgrade the operator's certification.

Section 2. Duration of Certification. (1)(a) Wastewater certifications shall expire on June 30 of an odd-numbered year unless suspended, revoked, or replaced by a higher classification certificate before that date.

(b) Wastewater certifications issued on or after January 1 and on or before June 30 of an odd-numbered year shall expire on June 30 of the next odd-numbered year.

(2)(a) Water certifications shall expire on June 30 of an even-numbered year unless suspended, revoked, or replaced by a higher classification certificate before that date.

(b) Water certifications issued on or after January 1 and on or before June 30 of an even-numbered year shall expire on June 30 of the next even-numbered year.

(3)(a) An expired certification shall continue in force pending the administrative processing of a renewal if the certified operator has complied with the renewal requirements established in[of] Section 3 of this administrative regulation.

(b) A certification continued in accordance with this subsection shall remain fully effective and enforceable.

(4) A certification shall terminate if not renewed on or before December 31 of the year the certification expired.

Section 3. Continuing Education and Certification Renewal. (1) A certified operator who is not designated an Operator in Training may renew a certification without examination if the operator has:

(a) Accumulated the training hours required in subsection (5) of this section; and

(b) Submitted a completed Application for Certification Renewal form and the renewal fee to the cabinet or has renewed the certification electronically on the cabinet's Web site.

(2)(a) A certified operator seeking to renew a certification with an Operator in Training certification[designation] shall submit a:[apply for and retake the certification exam as provided in Section 1 of this administrative regulation]

1. Completed Application for Certification Renewal form;

2. Letter of mentorship; and

3. Completed Education and Experience Documentation form.

(b) The cabinet shall not approve an operator to[take an exam to] renew a certification with Operator in Training designation unless the applicant has accumulated the required training hours established[required] in subsection (5) of this section.

(3) If the Application for Certification Renewal form and the renewal fee are not received by the cabinet or submitted electronically by June 30 of the year the certification expires, a late renewal fee as established in 401 KAR[8:050, Section 3 or] 11:060[, Section 1] shall be paid.

(4)(a) A terminated certification shall not be renewed.

(b) An operator whose certification is terminated and who wishes to become recertified shall reapply for and pass an examination as established in[accordance with] Section 1 of this administrative regulation.

(5)(a) Prior to applying for certification renewal or to return a certificate to active status, a certified operator shall complete the required number of cabinet-approved training hours.

(b) A certified operator holding multiple wastewater certifications issued in accordance with this administrative regulation shall complete the required number of cabinet-approved training hours for the highest certificate held in lieu of completing the required number of continuing education hours required for each certificate.

(c) A certified operator holding multiple water certifications issued in accordance with this administrative regulation shall complete the required number of cabinet-approved training hours for the highest certificate held in lieu of completing the required number of continuing education hours required for each certificate.

(d) Hours earned prior to initial certification shall not count toward certification renewal.

(e) Water and wastewater training hours shall[expire two (2) years from the date earned.

(f) Water training hours shall] be completed for each renewal during the two (2) year period immediately prior to the certificate expiration date.

1. Certified operators with a Bottled Water, Limited, Class I or II Treatment, Collection, or Distribution certification shall complete twelve (12) hours of approved training.[; or]

2. Certified operators with a Class III or IV Treatment, Collection, or Distribution certification shall complete twenty-four (24) hours of approved training.

Section 4. Certified Training Provider Program.[(6)(a)] (1) A training provider applicant shall have provided cabinet-approved continuing education courses as established in Section 5 of this administrative regulation for a minimum of two (2) consecutive years prior to the application for certification.

(2) A training provider applicant shall submit to the cabinet:

(a) A completed Application for Certified Training Provider form; and

(b) The fee as established in 401 KAR 11:060.

(3) The cabinet shall:

(a) Notify a training provider applicant of its decision within ninety (90) days of receiving the items established in Subsection 2 of this section; and

(b) Issue a provider identification number that shall be written on all training materials and documentation.

(4) Training provider certification shall be valid for one (1) calendar year from the date of certification.

(5) The principal officers and trainers of a certified training provider shall attend a cabinet training session prior to offering continuing education courses after certification has been approved.

(6) Continuing education courses offered by a certified training provider shall be based on core content determined by the cabinet in consultation with the appropriate board.

(7) For each continuing education course:

(a) The certified training provider shall submit to the cabinet a Certified Training Provider Course Submittal form.

(b) The cabinet shall assign a course number.

(c) The certified training provider shall submit a Continuing Education Activity Report form at the completion of the course.

(d) The certified training provider shall retain for five (5) years:

1. A completed Application for Approval of Courses for Continuing Education Credit form;

2. Course learning objectives;

3. Criteria for successful completion by course attendees;

4. Agenda that establishes:

a. Course instruction and break times; and

b. Brief description of each topic;

(e) The instructor's name and credentials;

(f) Evaluation methods;

(g) The completed Continuing Education Activity Report form;

(h) A summary of participant evaluations; and

(i) Instructional materials and references.

(8) Compliance.

(a) The cabinet and board may review the continuing education activities of a certified training provider at any time.

(b) A certified training provider shall be subject to its certification being limited, denied, or revoked if the cabinet, in consultation with the board, determines that the certified training operator has failed to comply with this administrative regulation.

(c) The certified training provider shall appear before the board if requested by the board.

(d) The board shall make a recommendation to the cabinet regarding the limitation, denial, or revocation of training provider certification if the board determines that the certified training provider has failed to comply with this administrative regulation.

(e) Upon receiving a recommendation from the board, the cabinet shall review the available evidence.

(f) After completing the review, the cabinet shall initiate the recommended action or notify the board as to why an alternative action was taken.

(g) A certified training provider that is aggrieved by a certification limitation, denial, or revocation action may file a petition for hearing with the cabinet as established in KRS 224.10-420 through 224.10-470.

Section 5. Training Approval of Non-Certified Training Providers. (1) A training provider seeking approval of certified operator training shall submit to the cabinet a completed Application for Approval of Courses for Continuing Education Credit form.

(2)[(b)] Upon completion of the approved training, the provider shall submit to the cabinet a completed Continuing Education Activity Report form.

(3)[(c)] A certified operator who has attended training that has not been submitted to the cabinet for approval may apply for training approval as established in Subsection 1[paragraph (a)] of this section[subsection].

(4)[(d)] A certified operator who provides approved training shall receive hour-for-hour credit for actual instruction time.

(5)(a)[(7)(a)] Cabinet approval of training shall expire two (2) years following the date of approval.

(b) The cabinet, in consultation with the board, shall extend the approval expiration date if:

1. The provider requests the extension on the Extension Request for Approved Continuing Education Courses form[in writing]; and

2. The training has not changed from the previous approval.

Section 6.[4.] Operator Disciplinary Action. (1) A certified operator shall be subject to disciplinary action if the cabinet, in consultation with the board, determines that the certified operator has not satisfactorily performed the operator's duties as established in[accordance with] 401 KAR 11:020.

(2)(a) A written complaint received by the board or cabinet regarding a certified operator, unless duplicitous or frivolous, and violations of 401 KAR 11:020 that are identified by the cabinet shall be evaluated by the board.

(b) The certified operator shall appear before the board if requested by the board.

(3) The board shall make a recommendation to the cabinet regarding disciplinary action. The board may recommend that disciplinary action not be taken or recommend that a disciplinary action be taken if the board determines that the certified operator

has not satisfactorily performed operator duties in compliance with 401 KAR 11:020.

(4)(a) Upon receiving a recommendation from the board, the cabinet shall review the available evidence.

(b) After completing the review, the cabinet shall initiate the recommended disciplinary action or notify the board as to why an alternative disciplinary action was taken.

(5) A disciplinary action shall be commensurate with the severity, duration, and number of the violations. Disciplinary actions may include:

(a) Probation of the operator's certification for a specified period of time, not to exceed one (1) year;

(b) Suspension of the operator's certification for a specified period of time, not to exceed four (4) years, during which the certification shall be considered void;

(c) Revocation of the operator's certification;

(d) Civil or criminal penalties; or

(e) A combination of the disciplinary actions established in paragraphs (a) through (d) of this subsection.

(6) If disciplinary action is taken, the cabinet shall notify the certified operator and the operator's employer by certified mail of the action, the reasons outlined for the action, and the length of time for which the disciplinary action shall apply.

(7)(a) A certified operator whose certification has been suspended shall not have primary responsibility or be in in direct responsible charge during the period that the suspension remains in effect.

(b) Experience gained during a suspension shall not be included toward meeting the requirements established in[~~of~~] 401 KAR 11:030 or 11:040.

(8) If a certification is revoked, the operator shall be ineligible for future certification.

(9) A certified operator who is aggrieved by a disciplinary action may file a petition for hearing with the cabinet as established in[~~pursuant to~~] KRS 224.10-420(2).

Section 7[~~5~~]. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Registration Form for Exams and Training", Form DCA1100, May 2019[~~August 2~~009];

(b) "Education and Experience Documentation Form", Form DCA1110, May 2019[~~July 2~~009];

(c) "Application for Certification Renewal", Form DCA1120, May 2019[~~August 2~~009];

(d) "Application for Approval of Courses for Continuing Education Credit", Form DCA1130, May 2019[~~August 2~~009];

(e) "Continuing Education Activity Report", Form DCA1140, May 2019[~~August 2~~009]; and

(f) "Application for Reciprocity and Equivalency", Form DCA1150, May 2019[~~July 2~~009].

(g) Extension Request For Approved Continuing Education Courses, Form DCA1180, May 2019;

(h) Application for Certified Training Provider, Form DCA1160, May 2019; and

(i) Certified Training Provider Course Submittal, Form DCA1170, May 2019.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Compliance Assistance, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the cabinet's Web site at https://eec.ky.gov/Environmental-Protection/Compliance-Assistance/operator-certification-program/Pages/forms.aspx.

CHARLES G. SNAVELY, Secretary

APPROVED BY AGENCY: May 9, 2019

FILED WITH LRC: May 13, 2019 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 27, 2019 at 6:00 p.m. Eastern Time at 300 Sower Boulevard, 1st Floor, Training Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be 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 through June 30, 2019. 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: Carole J. Catalfo, Internal Policy Analyst, RPPS, Division of Water, 300 Sower Boulevard, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 782-6914, fax (502) 564-4245, email water@ky.gov (Subject line: "Chapter 11 regulations")

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for water and wastewater operator and training provider certification.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish requirements for water and wastewater operator and training provider certification.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100 authorizes the cabinet to promulgate administrative regulations concerning the certification of water operators. KRS 224.10-110 requires the cabinet to establish programs and enforce cabinet regulations for the certification of water and wastewater operators. KRS 223.160 through 223.220 authorizes the cabinet to establish qualifications and examinations, and issue certificates for, water plant operators.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the administration of the statutes by establishing specific procedures for certification of water and wastewater operators and training providers.

(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 consolidates certification procedures for drinking water and wastewater operators and training providers into one regulation, clarifies that only Class IV operator applications are reviewed by the board, removes language that limits operator mentorship to only one OIT, clarifies the documentation required for a completed application, clarifies that returning a certificate to active status requires continuing education units, adds a certified training provider program, makes grammatical corrections to comply with KRS 13A, and updates materials incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to streamline and clarify the certification process for drinking water and wastewater operators and training providers and to correct language to comply with KRS 13A.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100 authorizes the cabinet to promulgate administrative regulations concerning the certification of water operators. KRS 224.10-110 requires the cabinet to establish programs and enforce cabinet regulations for the certification of water plant operators. KRS 223.160 through 223.220 authorizes the cabinet to establish qualifications and examinations, and issue certificates for, water plant operators.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the statutes by streamlining and clarifying the certification process for drinking water and wastewater operators and training providers.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Certified water and wastewater

operators, operator-candidates, training providers, and state or local governments that operate drinking water or wastewater plants will be affected by the amendment.

(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: Regulated entities will not need to take additional actions.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This administrative regulation will not result in additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The regulated community will have a streamlined regulation clarifying operator and training provider certification requirements.

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

(a) Initially: This administrative regulation will not result in additional costs.

(b) On a continuing basis: This administrative regulation will not result in additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Certification fees and state general funds. The amendments to this administrative regulation will not require a change in 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: The amendments to this administrative regulation will 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. Fees for operator certification are established in 401 KAR 11:060.

(9) TIERING: Is tiering applied? No. This administrative regulation establishes certification procedures.

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? This regulation will impact the Division of Water and Division of Compliance Assistance, both within the cabinet's Department of Environmental Protection, and state or local governments that operate drinking water or wastewater facilities.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 224.10-100, 224.10-110, and 224.73-110.

(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? This administrative regulation will not result in increased revenue.

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

(c) How much will it cost to administer this program for the first year? This administrative regulation will not result in additional costs.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will not result in additional costs.

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

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: This administrative regulation will not result in additional revenue or increased costs.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. There is no federal statute or regulation addressing certified operators or training providers.

2. State compliance standards. KRS 224.10-100, 224.10-110, and 224.73-110

3. Minimum or uniform standards contained in the federal mandate. There are no federal standards for certified operators or training providers.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate? No. There is no federal mandate for certified operators.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water
(Amendment)

401 KAR 11:060. Operator and training provider certification fees.

RELATES TO: KRS 223.160 through 223.220, 224.10-110, 224.73-110

STATUTORY AUTHORITY: KRS 224.10-100, 224.10-110, 224.73-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 223.160 through 223.220 authorizes the cabinet to promulgate administrative regulations and establish fees for the certification of water operators. KRS 224.73-110[~~224.10-110~~] authorizes the cabinet to promulgate administrative regulations and establish fees for[~~concerning~~] the certification of wastewater operators. This administrative regulation establishes a fee schedule for water and wastewater operator certification and for training of[~~wastewater~~] operators that is provided or approved by the cabinet.

Section 1. Operator Certification Fees. (1) Fees for certification of water and wastewater operators shall be as established in this subsection.[~~:~~]

(a) Certification application fee: $250[~~$100~~].

(b) Renewal application fee: $200[~~1. Fifty (50) dollars if renewed through the cabinet Web site.~~

~~2. $100 if not renewed through the cabinet Web site~~].

(c) Renewal late fee: $250.

(d) Reciprocity and equivalency fee: $500.

(e) Inactive fee: $100.

(2) Initial, renewal, equivalency, inactive, and reciprocal certification application fees that are not submitted through the cabinet's website shall incur a surcharge of fifty (50) dollars in addition to the fees established in Subsection 1 of this section.

(3) Fees established in this section are nonrefundable.

Section 2. Training Fees. (1)[~~(2)~~] Each year the cabinet, in consultation with the board, shall set fees for operator training conducted by the cabinet.[~~(3)(a) The fees in subsection (1) of this section of this administrative regulation are nonrefundable.~~]

(2) If an operator cancels registration at least two (2) business days prior to the beginning of a training event, the operator shall:

(a) Have one (1) calendar year to reschedule attendance at another training event without being required to submit an

additional fee; and

(b) Not receive a fee refund for canceled registration.

(3) The fees established in this section shall be fully refunded only if the training event is canceled by the cabinet.[~~(b) Fifty (50) percent of the fees in subsection (2) of this section are refundable if registration is canceled at least two (2) business days prior to the beginning of the training event.~~

~~(c) The fees in subsection (2) of this section shall be fully refunded if the training event is canceled by the cabinet.~~]

Section 3. Training Provider and Continuing Education Approval Fees. (1) Certified training provider annual fee: $2,000.

(2) Cabinet approval of individual continuing education credit hours for non-certified training providers:

(a) Fifty (50) dollars for the first six (6) continuing education credit hours; and

(b) Twenty-five (25) dollars for each additional six (6) continuing education credit hours.

(3) Continuing Education Activity Report entry fee: Fifty (50) dollars.

(4) Extension Request for Approved Continuing Education: Fifteen (15) dollars.

(5) Continuing education and training provider fees that are not submitted through the cabinet's website shall incur a surcharge of fifty (50) dollars in addition to the fees established in this section.

CHARLES G. SNAVELY, Secretary

APPROVED BY AGENCY: May 9, 2019

FILED WITH LRC: May 13, 2019 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 27, 2019 at 6:00 p.m. Eastern Time at 300 Sower Boulevard, 1st Floor Training Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Carole J. Catalfo, Internal Policy Analyst, RPPS, Division of Water, 300 Sower Boulevard, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 782-6914, fax (502) 564-4245, email water@ky.gov (Subject line: Chapter 11 regulations)

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes fees for operator and training provider certification.

(b) The necessity of this administrative regulation: This regulation is necessary to establish fees for operator and training provider certification.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 223.160 through 223.220 authorizes the cabinet to promulgate administrative regulations and establish fees for the certification of water operators. KRS 224.73-110 authorizes the cabinet to promulgate administrative regulations and establish fees for the certification of wastewater operators. This administrative regulation establishes a fee schedule for water and wastewater operator certification and for training of operators that is provided or approved by the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The amendment will assist in making the program more self-funded and draw less on general funds. In order to be effective, the operator certification program must be administered in a manner that meets the objectives of the federal Clean Water Act and Safe Drinking Water Act and is acceptable to the EPA.

(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 amendments clarify statutory authority, consolidate water and wastewater operator certification fees into one regulation, increases certification and renewal fees by $150 ($75 per year), adds a fee for equivalent certification, inactive certification, training provider certification, continuing education units offered by non-certified providers, and for continuing education activity report and Extension Request forms, and clarifies that fees incur a $50 surcharge if not paid online and are nonrefundable, and clarifies that operators who cancel registration at cabinet training may reschedule attendance within a year and that fees are nonrefundable unless the cabinet cancels training.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to streamline regulatory operator and training provider fees, and allow the cabinet to recover some of the actual costs of the operator certification program. The FY20 projected cost of the program, including salaries, benefits, travel, and administrative costs is $847,700. Over the past five (5) years, the program generated an annual average of $295,234 from licensing and exam fees, or about 34% of the cost of the program. Funding towards the remaining costs (approximately $407,900) is provided by the Division of Water State Revolving Funds (DSRFs), as well as carry over from vacant positions, which still leaves a projected deficit of $144,566. Fee increases for renewal, exams, and third party training providers could potentially generate an additional $424,600 - $461,850 and would lessen dependency on DSRFs which can be used for other vital programs and functions.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 223.160 through 223.220 authorizes the cabinet to promulgate administrative regulations and establish fees for the certification of water operators. KRS 224.73-110 authorizes the cabinet to promulgate administrative regulations and establish fees for the certification of wastewater operators. This administrative regulation establishes a fee schedule for water and wastewater operator and training provider certification, and for operator training offered by non-certified providers.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will allow the cabinet to recover more of the actual costs of the operator certification program and reduce dependence on state revolving funds that it currently requires. The training and testing of water and wastewater operators helps ensure high quality drinking water, protects public health, and may help extend the life of a water system through proper operation and maintenance.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Certified water and wastewater operators, operator-candidates, training providers, and state and local governments that operate drinking water or wastewater facilities if they pay employee certification fees, will be affected by the amendment to this administrative regulation. There are approximately 4,234 operators currently certified by the program.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment**:** Certified water and wastewater operators, operator-candidates, and training providers will refer to this amended administrative regulation to determine the necessary fees for obtaining and maintaining certification.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Initial and renewal water and wastewater operator

certification will increase by $150 ($75 per year). Operators seeking initial equivalent certification will pay $500 which is the current fee for reciprocal certification. Training providers seeking certification will pay $2000 annually. Non-certified training providers will pay fees for course approval based on the number of credit hours offered. All training providers will pay $50 for CEU Activity Report entry and $15 for Extension Requests.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Public water systems must be operated by certified operators, and this administrative regulation assists the cabinet in providing certification and training services. Certified training providers will no longer need individual course approval from the cabinet. Additionally, these changes will partially relieve dependence on state revolving funds which can be directed towards other vital programs and functions.

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

(a) Initially: The state currently collects operator certification fees, offers training, offers exams, approves CEUs, and issues licenses. However, the current fees cover only 34% of the cost of implementing the current program. There is no additional cost to the state to implement this amendment, however, the FY20 projected cost of the program, including salaries, benefits, travel, and administrative costs is $847,700. Over the past five (5) years, the program generated an annual average of $295,234 from licensing and exam fees, or about 34% of the cost of the program. Funding towards the remaining costs (approximately $407,900) is provided by the Division of Water State Revolving Funds (DSRFs), as well as carry over from vacant positions, which still leaves a projected deficit of $144,566. Fee increases for renewal, exams, and third party training providers could potentially generate an additional $424,600 - $461,850 and would lessen dependency on DSRFs which can be used for other vital programs and functions.

(b) On a continuing basis: The state currently collects operator certification fees, offers training, offers exams, approves CEUs, and issues licenses. There is no additional cost to the state to implement this amendment. However, the current fees cover only 34% of the cost of implementing the current program.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Certification, training provider, and exam fees and Division of Water State Revolving 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 amended administrative regulation establishes the fees for water and wastewater operator and training provider certification, and cabinet approval of continuing education units. The increased fees are necessary to effectively implement the programs and continue to provide existing services with less reliance on state revolving funds.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This amendment establishes fees for water and wastewater operator and training provider certification, and for approval of continuing education courses offered by non-certified training providers.

(9) TIERING: Is tiering applied? Yes, tiering is applied. Fees are dependent on the type of operator certification requested. Fees for cabinet approval of continuing education units offered by non-certified training providers fees are tiered based on the number of hours submitted for approval.

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? This regulation will impact the Division of Water and Division of Compliance Assistance, both within the cabinet's Department of Environmental Protection, and state or local governments that operate drinking water or wastewater facilities.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 223.160 through 223.220, and 224.73-110.

(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 FY20 projected cost of the program, including salaries, benefits, travel, and administrative costs is $847,700. Over the past five (5) years, the program generated an annual average of $295,234 from licensing and exam fees, or about 34% of the cost of the program. Funding towards the remaining costs (approximately $407,900) is provided by the Division of Water State Revolving Funds (DSRFs), as well as carry over from vacant positions, which still leaves a projected deficit of $144,566. Fee increases for renewal, exams, and third party training providers could potentially generate an additional $424,600 - $461,850 and would lessen dependency on DSRFs which can be used for other vital programs and functions.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The FY20 projected cost of the program, including salaries, benefits, travel, and administrative costs is $847,700. Over the past five (5) years, the program generated an annual average of $295,234 from licensing and exam fees, or about 34% of the cost of the program. Funding towards the remaining costs (approximately $407,900) is provided by the Division of Water State Revolving Funds (DSRFs), as well as carry over from vacant positions, which still leaves a projected deficit of $144,566. Fee increases for renewal, exams, and third party training providers could potentially generate an additional $424,600 - $461,850 and would lessen dependency on DSRFs which can be used for other vital programs and functions.

(c) How much will it cost to administer this program for the first year? The cost of administering the program is approximately $847,700 annually.

(d) How much will it cost to administer this program for subsequent years? The cost of administering the program is approximately $847,700 annually.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation: The FY20 projected cost of the program, including salaries, benefits, travel, and administrative costs is $847,700. Over the past five (5) years, the program generated an annual average of $295,234 from licensing and exam fees, or about 34% of the cost of the program. Funding towards the remaining costs (approximately $407,900) is provided by the Division of Water State Revolving Funds (DSRFs), as well as carry over from vacant positions, which still leaves a projected deficit of $144,566. Fee increases for renewal, exams, and third party training providers could potentially generate an additional $424,600 - $461,850 and would lessen dependency on DSRFs which can be used for other vital programs and functions.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. There is no federal mandate for operator certification fees, although 40 C.F.R. 142 requires these activities to occur as a condition of primacy to implement the federal Safe Drinking Water Act.

2. State compliance standards. KRS 223.160 through 223.220, and 224.73-110.

3. Minimum or uniform standards contained in the federal mandate. 40 C.F.R. Part 141 and 142.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or

requirements than those required by the federal mandate? No.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. KRS 223.160 through 223, and 224.73-110. The cabinet uses the fees to partially recover the cost of providing operator certification programs.

ENERGY AND ENVIRONMENT CABINET
Department for Natural Resources
Division of Mine Safety
(Amendment)

805 KAR 3:110. Employees' personal protection.

RELATES TO: KRS 351.070

STATUTORY AUTHORITY: KRS 351.070

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation establishes[~~is to establish~~] safety standards for [~~controlling~~] equipment used for personal protection of employees in the operation of the Commonwealth's surface type coal and clay mines which include strip and auger mining operations.

Section 1. Personal Protection. (1) Adequate first aid materials, including stretchers and blankets, shall be provided at places convenient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other harmful substances are stored, handled, or used.

(2) All persons shall wear suitable hard hats when in or around mine plants or active workings of the mine.

(3) All persons shall wear suitable protective footwear when in or around mine plants or active workings of the mine.

(4) All persons shall wear safety glasses, goggles, or face shields when doing work hazardous to the eyes.

(5) Safety belts and lines shall be worn[~~when men work~~] where there is danger of falling.[;] A second person shall tend the life line when bins, tanks or other dangerous areas are entered.

(6) Life jackets or belts shall be worn where there is danger of falling into deep water.

(7) Protective clothing, rubber gloves, goggles, or face shields shall be worn by a person handling substances that are corrosive, toxic, or injurious to the skin.

(8) Protective clothing or equipment and face shields or goggles shall be worn when welding, cutting or working with molten metal.

(9) Snug-fitting clothing shall be worn by persons working around moving equipment and machinery.

(10) Protective gloves shall be worn by employees handling materials that[~~which~~] may cause injury.

(11) Gloves shall not be worn where they could create a hazard by becoming entwined or caught in moving parts of machinery.

(12) Effective hearing protection shall be worn where noise levels may cause permanent ear damage or hearing loss, or noise shall be reduced to safe levels, unless the wearing of the protective devices would create a greater danger to the employee.

(13)(a) All miners shall wear clothing with at least 100 square inches of reflective material while in an underground mine and clothing with at least fifty (50) square inches of reflective material while on a surface mine site.

(b) The reflective material shall be prominently worn and visible in all directions.

(14) All underground miners who are on foot and are on an active working section shall be equipped with an operating, flashing personal safety light that is recognized by MSHA as intrinsically safe. The light shall be readily visible and securely attached to the miner, at or above the shoulders, while on the working section.

CHARLES G. SNAVELY, Secretary

APPROVED BY AGENCY: May 9, 2019

FILED WITH LRC: May 10, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 26, 2019 at 5:00 p.m. (Eastern Time) in Training Room C of the Energy and Environment Cabinet at 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Michael Mullins, Regulation Coordinator, 300 Sower Blvd, Frankfort, Kentucky 40601, phone: (502) 782-6720, fax: (502) 564-4245, email: michael.mullins@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael Mullins

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes safety standards for equipment used for personal protection of employees in the operation of the Commonwealth's surface type coal mines, which include strip and auger mining operations.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish safety standards for personal protection equipment.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 351.070(12) provides that the Commissioner may "prescribe reasonable safety standards governing the use of explosives, electrical and mechanical equipment in the operation of open-pit or surface mines." This administrative regulation provides safety standards for personal equipment.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides details concerning safety requirements for equipment used at surface type coal and clay mines which include strip and auger mining operations.

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

(a) How the amendment will change this existing administrative regulation: This amendment will require miners to wear 100 square inches of reflective material in underground coal mines and 50 square inches of reflective material on surface mines. The amendment also requires miners in underground mines to wear a flashing personal safety light while on foot and are on an active working section.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to require miners to wear 100 square inches of reflective material in underground coal mines and 50 square inches of reflective material on surface mines. The amendment also requires miners in underground mines to wear a flashing personal safety light while on foot and are on an active working section.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the authorizing statutes by adding to the number of personal safety equipment items miners are required to use or wear.

(d) How the amendment will assist in the effective administration of the statutes: KRS 351.070(12) provides that the Commissioner may "prescribe reasonable safety standards governing…mechanical equipment in the operation of open-pit or surface mines." This amendment will require additional safety items to be used by miners.

(3) List the type and number of individuals, businesses,

organizations, or state and local governments affected by this administrative regulation: All surface mines and underground mines in the Commonwealth will be required to meet these requirements as indicated in the body of the administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The entities listed in question (3) above will be required to wear at least 100 square inches of reflective material in underground coal mines and 50 square inches of reflective material on surface mines. The amendment also requires miners in underground mines to wear a flashing personal safety light on foot and are on an active working section.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): In order to comply with these amendments the regulated entity would be required to comply with the reflective material requirements. Reflective tape has a cost of approximately $.33 per square inch. The average cost of a flashing personal safety light costs $40.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Miners complying with this administrative regulation will work in a safer environment.

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

(a) Initially: There will be no costs to the administrative body with implementation of this amendment.

(b) On a continuing basis: There will be no costs to the administrative body with implementation of this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The funding for implementation of the amendments to this administrative regulation will be 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: The amendments to this administrative regulation will 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.

(9) TIERING: Is tiering applied? No. All entities that operate a surface mine will be required to meet the same requirements and those that operate an underground mine will be required to meet the same requirements. However, underground mines will be required to wear at least 50 additional square inches of reflective material and a flashing personal safety light while on foot and are on an active working section.

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 Division of Mine Safety.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 351.070.

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? This administrative regulation will not generate revenue.

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

(c) How much will it cost to administer this program for the first year? There will not be a cost increase associated with the amendments to this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? Future costs would remain essentially unchanged related to this amendment.

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

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

PUBLIC PROTECTION CABINET
Department of Insurance
(Amendment)

806 KAR 9:030. Adjuster licensing[~~Adjusters, apprentice adjusters; licenses,~~] restrictions.

RELATES TO: KRS 304.9-430(3)(a), 304.9-430(2)(g), 304.9-432(2)(d)

STATUTORY AUTHORITY: KRS 304.2-110(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110(1) authorizes the Commissioner of the Department of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code[~~as defined in KRS 304.1-010~~]. This administrative regulation restricts the persons whom an adjuster may represent to prevent[~~thus preventing any~~] conflicts of interest, and clarifies the circumstances under which the restriction for holding only one (1) apprentice adjuster license applies.

Section 1. (1) An independent, staff, or public adjuster licensed pursuant to the Insurance Code[~~adjuster's license issued to an applicant pursuant to the provisions of the Insurance Code shall not authorize representing the interest of both insurer and the insured or claimant. A licensee~~] shall not represent the interest of both insurer and the insured or claimant.

(2) When applying for an adjuster license[~~the application is filed~~], an applicant shall elect to act solely on behalf of either:

(a) Insurers; or

(b) Persons claiming benefits under insurance or annuity contracts.

(3) A licensed adjuster[~~licensee~~] shall[~~to~~] act in a fiduciary capacity on behalf of[~~to~~] his or her principal.[~~(4) The commissioner shall not issue a license to a public adjuster until the prospective licensee posts a bond or irrevocable letter of credit in the amount of $20,000 and in accordance with 806 KAR 9:210.~~]

Section 2. An individual may hold only one (1) apprentice adjuster license until the individual is issued an adjuster license in accordance with KRS 304.9-430. Once an individual has held an adjuster license in accordance with KRS 304.9-430, the individual may again be eligible to hold one (1) apprentice adjuster license.

Section 3. Incorporation by Reference. (1) "Request for unlicensed adjuster representing an insurer to adjust losses resulting from a catastrophe, Form #8307" (05/2019), is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law at the Kentucky Department of Insurance, 215 W. Main St., Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m.

NANCY G. ATKINS, Commissioner
K. GAIL RUSSELL, Secretary
APPROVED BY AGENCY: May 14, 2019
FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on June 25, 2019 at 215 W. Main St., Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Patrick O'Connor, Deputy Commissioner, 215 W. Main St., Frankfort, Kentucky 40601, phone 502-782-5262, fax 502-564-6026, email patrick.oconnor@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Patrick O'Connor

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation restricts the persons whom an adjuster may represent to prevent conflicts of interest, and clarifies the circumstances under which the restriction for holding only one (1) apprentice adjuster license applies.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to minimize potential conflicts of interest for licensed insurance adjusters.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 304.2-110(1) authorizes the Commissioner of the Department of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.9-430 establishes restrictions on licensed adjusters.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation minimizes potential conflicts of interest for licensed insurance adjusters by clarifying the limitation of representation.

(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 clarifies the exact restrictions on licensed insurance adjusters regarding conflicts of interest.

(b) The necessity of the amendment to this administrative regulation: This amendment clarifies the exact restrictions on licensed insurance adjusters regarding conflicts of interest.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment is consistent with the Commissioner's authority under KRS 304.2-110(1) and the adjuster licensing statutes in KRS 304.9.

(d) How the amendment will assist in the effective administration of the statutes: This amendment clarifies the exact restrictions on licensed insurance adjusters regarding conflicts of interest, making it easier for licensees and the public to understand the rule governing adjusters.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Current and future licensed adjusters in the Commonwealth will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Individuals applying for a license as an insurance adjuster will have to indicate at the time of application whether they will be representing insurers or claimants.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There will be no additional cost to regulated entities to comply with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities: Licensed adjusters and consumers will more clearly understand the role and obligation of the adjuster.

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

(a) Initially: There are no anticipated costs related to this administrative regulation.

(b) On a continuing basis: There are no anticipated costs related to this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment.

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

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees are treated similarly.

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 Insurance will be affected by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 304.2-110, 304.9-430

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for the state or local government.

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

(c) How much will it cost to administer this program for the first year? There is no anticipated cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There is no anticipated cost to administer this program for subsequent years.

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

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None

PUBLIC PROTECTION CABINET
Department of Insurance
(Amendment)

806 KAR 9:110. Agent's rights after contract termination.

RELATES TO: KRS 304.9-290
STATUTORY AUTHORITY: KRS 304.2-110
NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 provides that the Commissioner[~~Executive Director of the Office~~] of Insurance may make reasonable rules and administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. This administrative regulation sets forth the rights of a property or [~~a~~] casualty agent who is an independent contractor after termination of an agency contract.

Section 1. Prohibitions. No agency contract with a property or casualty agent who is an independent contractor[~~agent~~] compensated on a commission basis shall:
(1)[~~, except as provided in Section 2 of this administrative regulation,~~] Infringe upon the right of the agent, while licensed, to service run-off business after termination of the agency contract; or
(2)[~~nor shall it contain~~] Contain any provision which prevents the agent from being licensed with another insurer in order to avoid policy lapses which would otherwise occur after[~~such~~] termination.

Section 2. Permitted Provisions. An agency[~~Nothing herein in intended to infringe upon a company's~~] contract with a property or casualty agent who is an independent contractor compensated on a commission basis may provide that the following are[~~an agent or agency which provides that ownership of renewals and records, manuals, documents, and right of renewals is~~] the property of the company and shall[~~is to~~] be returned to the company upon cancellation or[~~and/or~~] termination of the contract:
(1) Renewals;
(2) Records;
(3) Manuals;
(4) Documents; and
(5) Right of renewals.

Section 3. Incorporation by reference. (1) "Termination of Producer Appointment", Form #8302-TE, May, 2019, is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law at the Kentucky Department of Insurance, 215 W. Main St., Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m.

NANCY G. ATKINS, Commissioner
K. GAIL RUSSELL, Secretary
APPROVED BY AGENCY: May 14, 2019
FILED WITH LRC: May 15, 2019 at 11 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:15 a.m. on June 25, 2019 at 215 W. Main St., Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.
CONTACT PERSON: Patrick O'Connor II, Deputy Commissioner, 215 W. Main St., Frankfort, Kentucky 40601, phone 502-564-6026, fax 502-564-2269, email patrick.oconnor@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Patrick O'Connor II
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation sets forth the rights of a property or casualty agent who is an independent contractor after termination of an agency contract.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to clarify the rights of a property or casualty agent who is an independent contractor after termination of an agency contract.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable rules and administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 304.9-290 establishes the rights of a licensed insurance agent following the termination of an appointment by an insurer.
(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 updates the title of the Commissioner of insurance and clarifies by clear delineation the prohibited and permitted language in contracts between insurance agencies and licensed agents who are independent contractors.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update the title of the Commissioner and clarify specific prohibitions and permissions in contract language.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable rules and administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code.
(d) How the amendment will assist in the effective administration of the statutes: This amendment simplifies and clarifies requirements for ease of use by insurance licensees.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect all insurance agencies who employ independent contractors.
(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Regulated entities will need to ensure that their contracts do not contain the terms prohibited by this administrative regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: No costs are anticipated for regulated entities to comply with this amendment because the prohibitions are already in place; this amendment updates and clarifies prohibited and permitted terms.
(c) As a result of compliance, what benefits will accrue to the entities: Insurance licensees will find the amended simplified and clarified language easier to comply with.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no cost anticipated for implementation of this amendment.
(b) On a continuing basis: There is no cost anticipated for implementation of this amendment.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is necessary for the implementation and enforcement of this administrative regulation.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No

increase in fees or funding will be necessary to implement this amendment.

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

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees are treated similarly.

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? This administrative regulation will affect the Kentucky Department of Insurance.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 304.2-110

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for the state or local government.

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

(c) How much will it cost to administer this program for the first year? There is no cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There is no cost to administer this program for subsequent years.

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

Revenues (+/-): Neutral.

Expenditures (+/-): Neutral.

Other Explanation: None.

PUBLIC PROTECTION CABINET
Department of Insurance
(Amendment)

806 KAR 9:190. Disclosure requirements for financial institutions authorized to engage in insurance agency activities.

RELATES TO: KRS 287.030(4), 304.9-135

STATUTORY AUTHORITY: KRS 304.9-135(2)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.9-135(2)(g) requires the Commissioner[~~executive director~~] to specify the disclosure forms required by KRS 304.9-135(2)(b), (c), and (f). This administrative regulation specifies the disclosure forms for use by financial institutions authorized to engage in insurance agency activities.

Section 1. A financial institution authorized by law to engage in insurance agency activities shall provide to an insurance consumer the disclosure forms in Section 2 of this administrative regulation. [~~Definitions. (1) "Financial institutions" is defined by KRS 304.9-135(1)(a).~~

~~(2) "Insurance agency activities" is defined by KRS 304.9-135(1)(b).~~

~~Section 2. Application. This administrative regulation shall apply to a financial institution authorized by law to engage in insurance agency activities in the state of Kentucky.~~

~~Section 3. Disclosures. A financial institution authorized to engage in insurance agency activities shall provide to an insurance consumer the following disclosure forms in accordance with KRS 304.9-135(2)(b), (c), and (f) which are incorporated by reference into this administrative regulation:~~

~~(1) FI-02, Notice of Free Choice of Agent and Insurer; and~~

~~(2) FI-03, Financial Institution Disclosures.~~]

Section 2[4]. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) FI-02, "Notice of Free Choice of Agent and Insurer (7/2002 edition)"[~~, Office of Insurance~~]; and

(b) FI-03, "Financial Institution Disclosures (7/2002 edition)"[~~, Office of Insurance~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department[~~Office~~] of Insurance, 215 West Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

NANCY ATKINS, Commissioner
K. GAIL RUSSELL, Secretary

APPROVED BY AGENCY: ay 14, 2019

FILED WITH LRC: May 15, 2019 a 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 11:00 a.m. on June 25, 2019 at 215 W. Main St., Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Patrick O'Connor, Deputy Commissioner, 215 W. Main St., Frankfort, Kentucky 40601, phone 502-782-5262, fax 502-564-2669, email patrick.oconnor@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Patrick O'Connor

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes and incorporates the disclosure forms required by 304.9-135.

(b) The necessity of this administrative regulation: KRS 304.9-135(g) requires the Commissioner to promulgate an administrative regulation specifying the disclosure forms required by KRS 304.9-135(b), (c), and (f).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 304.9-135(g) requires the Commissioner to promulgate an administrative regulation specifying the disclosure forms required by KRS 304.9-135(b), (c), and (f).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides clear requirements for financial institutions licensed to engage in insurance activities.

(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 updates the title of the Commissioner of insurance and clarifies requirements for financial institutions

licensed to engage in insurance activities.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to accurately update the title of the Commissioner of insurance and to clarify requirements for financial institutions licensed to engage in insurance activities.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment fulfills the requirements of KRS 304.9-135(g) by continuing to specify disclosure forms required by KRS 304.9-135(b), (c), and (f).

(d) How the amendment will assist in the effective administration of the statutes: This amendment fulfills the requirements of KRS 304.9-135(g) by continuing to specify disclosure forms required by KRS 304.9-135(b), (c), and (f).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Financial institutions licensed to engage in insurance activity will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Financial institutions licensed to engage in insurance activity will remain required to provide written statements FI-02 and FI-03 to consumers in accordance with KRS 304.9-135.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: This amendment does not create any new costs for regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities: Compliance with this administrative regulation will keep financial institutions engaging in insurance activities from violating KRS 304.9-135.

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

(a) Initially: There is no anticipated cost to administer or enforce this amendment.

(b) On a continuing basis: There is no anticipated cost to administer or enforce this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary for the implementation and enforcement of this amendment.

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

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated financial institutions are treated similarly.

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 Insurance will be affected by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 304.9-135(2)(g)

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for the state or local government.

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

(c) How much will it cost to administer this program for the first year? There is no cost anticipated to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There is no cost anticipated to administer this program for subsequent years.

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

Revenues (+/-): Neutral.

Expenditures (+/-): Neutral.

Other Explanation: None.

PUBLIC PROTECTION CABINET
Department of Insurance
(Amendment)

806 KAR 9:200. Volume of insurance agent exchange of business.

RELATES TO: KRS 304.9-030, 304.9-080, 304.9-085, 304.9-230, 304.9-410, 304.10, 304.13-011(8), 304.46

STATUTORY AUTHORITY: KRS 304.2-110, 304.9-410(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes the commissioner[~~that the Executive Director of Insurance~~] to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code[~~as defined in KRS 304.1-010~~]. KRS 304.9-410(3) requires the commissioner[~~Executive Director of Insurance~~] to promulgate an administrative regulation establishing the amount or volume of business that constitutes the occasional placement of business with insurers the agent is not appointed to represent[~~, as permitted by KRS 304.9-080(5) and 304.9-410(1)(a) and (2)~~]. This administrative regulation defines what constitutes occasional placement of business with insurers an agent is not appointed to represent.

Section 1. Definition.[~~Definitions. (1) "Executive director" means the Executive Director of the Office of Insurance.~~

~~(2)~~] "Total premium" means all payments received from insureds or prospective insureds as consideration for insurance, including all taxes and surcharges imposed by Kentucky law.

Section 2. Volume of Insurance Agent Exchange of Business. (1) An agent holding a license with the following lines of authority[~~a line of authority for property, casualty, surety, or with a limited line of authority as defined in KRS 304.9-230~~] shall not place insurance with a premium of more than twenty (20) percent of the agent's total premium for the preceding calendar year with insurers for which the agent holds no appointment:

(a) Property;

(b) Casualty;

(c) Life;

(d) Health; or

(e) Limited line of authority defined in KRS 304.9-230.

(2) Insurance placed by an agent through the following shall not be considered in determining whether the agent has violated this Section:

(a)[~~. Insurance placed by an agent through a~~] A residual market mechanism as defined in KRS 304.13-011(8);

(b)[~~, with a~~] A surplus lines insurer pursuant to KRS Chapter 304.10;

(c)[~~, through a~~] A managing general agent as defined in KRS 304.9-085; [~~,~~] or

(d)[~~through a~~] A voluntary risk sharing or market assistance plan pursuant to KRS Chapter 304.46 [~~shall not be considered in determining whether the agent has violated this subsection.~~

~~(2) An agent holding a license with a line of authority for life or health or with a line of authority for limited line credit shall not place insurance with a premium of more than twenty (20) percent of the agent's total premium for the preceding calendar year with insurers for which the agent holds no appointment~~].

Section 3. Business Entity Licensees. For agents designated to act under a business entity agent license, the percentage limitations of Section 2 of this administrative regulation shall be measured by the total premium received by the business entity. Persons designated to act under a business entity agent license are subject to a single overall limit and shall not use their separate licenses to increase the volume of permissible exchange of business.

Section 4. Insurer Responsibility.[~~Responsibilities of Insurer; Validity or Insurance Issued in Violation of this Administrative Regulation.~~] (1) An insurer may assume that agents not appointed by the insurer and submitting applications to the insurer have not exceeded the limitations of Section 2[~~of this administrative regulation~~].

(2)[~~However,~~] An insurer that[~~which~~] knows or has reason to know[~~that~~] an agent not appointed by the insurer has exceeded the limitations established by Section 2[~~is in violation of Section 2 of this administrative regulation~~] shall not issue a[~~an insurance~~] policy based on an application submitted by the[~~this~~] agent.

Section 5. Validity.[~~(2)~~] An insurance policy issued in violation of this administrative regulation shall be valid and enforceable.

NANCY ATKINS, Commissioner
K. GAIL RUSSELL, Secretary

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:15 a.m. on June 25, 2019 at 215 W. Main St., Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Patrick O'Connor, Deputy Commissioner, 215 W. Main St., Frankfort, Kentucky 40601, phone 502-782-5262, email patrick.oconnor@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Patrick O'Connor

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation defines what constitutes occasional placement of business with insurers an agent is not appointed to represent.

(b) The necessity of this administrative regulation: KRS 304.9-410(3) requires the commissioner to promulgate an administrative regulation establishing the amount or volume of business that constitutes the occasional placement of business with insurers the agent is not appointed to represent.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 304.2-110 authorizes the Commissioner of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.9-410(3) requires the commissioner to promulgate an administrative regulation establishing the amount or volume of business that constitutes the occasional placement of business with insurers the agent is not appointed to represent.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation clarifies what constitutes occasional placement of business with insurers an agent is not appointed to represent.

(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 updates the title of the Commissioner of insurance and clarifies the definition and requirements surrounding the occasional placement of business with insurers an agent is not appointed to represent.

(b) The necessity of the amendment to this administrative regulation: This amendment updates the title of the Commissioner of insurance and clarifies the definition and requirements surrounding the occasional placement of business with insurers an agent is not appointed to represent.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment fulfills the requirement of KRS 304.9-410(3) that the commissioner promulgate an administrative regulation establishing the amount or volume of business that constitutes the occasional placement of business with insurers the agent is not appointed to represent.

(d) How the amendment will assist in the effective administration of the statutes: This amendment simplifies the existing administrative regulation for ease of use by licensees and the department.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All licensed insurance agents seeking to place coverage with an insurer as to which they are not appointed will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Licensed insurance agents seeking to place coverage with an insurer as to which they are not appointed will have to monitor the quantity of such insurance placed to remain below twenty (20) percent of their total volume of business. Insurers issuing coverage requested by non-appointed agents will be obligated not to issue coverage if they know an agent is in violation of this amended administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: This amendment creates no additional cost to regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities: Compliance with this administrative regulation will ensure regulated entities do not violate KRS 304.9-410.

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

(a) Initially: No costs are anticipated for the implementation and enforcement of this administrative regulation.

(b) On a continuing basis: No costs are anticipated for the implementation and enforcement of this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No

increases in fees or funding are necessary for the implementation and enforcement of this amendment.

(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 directly or indirectly.

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated regulated entities are treated similarly.

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 Insurance will be affected by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 304.2-110, 304.9-410(3).

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for state or local government.

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

(c) How much will it cost to administer this program for the first year? There is no anticipated cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There is no anticipated cost to administer this program for the subsequent years.

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: None.

PUBLIC PROTECTION CABINET
Department Of Insurance
(Amendment)

806 KAR 9:350. Recognition of financial planning certification and designation for receipt of fees and commissions.

RELATES TO: 292.330(1), 304.9-350

STATUTORY AUTHORITY: KRS 304.2-110, 304.9-350(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes the commissioner[~~EO 2008-507, signed June 6, 2008, and effective June 16, 2008, created the Department of Insurance, headed by the Commissioner of Insurance. KRS 304.2-110 authorizes the Executive Director of the Office of Insurance~~] to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code[~~, as defined in KRS 304.1-010~~]. KRS 304.9-350(8) authorizes the commissioner[~~Office of Insurance~~] to promulgate an administrative regulation to recognize a formal financial planning certification or designation for the purposes of receiving a fee for financial planning services and the sale, solicitation or negotiation of life insurance or annuities for the same insurance risk. This administrative regulation sets forth the listing of recognized financial planning certifications and designations.

Section 1. Recognition of Financial Planning Certification and Designation. For purposes of KRS 304.9-350(8), the Department of Insurance recognizes the following financial planning certifications and designations:

(1) Accredited Asset Management Specialist (AAMS);
(2) Accredited Estate Planner (AEP);
(3) Associate Financial Advisor (AFA);
(4) Accredited Financial Counselor (AFC);
(5) Associate, Financial Services Institute (AFSI);
(6) Accredited Wealth Manager Advisor (AWMA);
(7) Board Certified in Estate Planning (BCE);
(8) Chartered Asset Manager (CAM);
(9) Chartered Advisor for Senior Living (CASL);
(10) Certificate in Investment Performance Measurement (CIPM);
(11) Certified Estate Advisor (CEA);
(12) Certified Estate Planner (CEP);
(13) Certified Financial Planner (CFP);
(14) Certified Fund Specialist (CFS);
(15) Certified Investment Management Analyst (CIMA);
(16) Certified Pension Consultant (CPC);
(17) Certified Public Accountant (CPA);
(18) Chartered Advisor in Philanthropy
(19) Chartered Financial Analyst (CFA);
(20) Chartered Financial Consultant (ChFC);
(21) Chartered Life Underwriter (CLU);
(22) Chartered Market Technician (CMT);
(23) Chartered Mutual Fund Counselor (CMFC);
(24) Chartered Portfolio Manager (CPM);
(25) Chartered Retirement Planning Counselor (CRPC);
(26) Chartered Retirement Plan Specialist (CRPS);
(27) Chartered Senior Financial Planner (CSFP);
(28)Chartered Trust and Estate Planner (CTEP);
(29) Fellow, Financial Services Institute (FFSI);
(30) Fellow of the Life Management Institute (FLMI);
(31) Financial Services Specialist (FSS);
(32) Master Financial Advisor (MFA);
(33) Master Financial Manager (MFM);
(34) Master Financial Professional (MFP);
(35) Masters of Science in Financial Services (MSFS);
(36) Personal Financial Specialist (PFS);
(37) Professional Financial Advisor (PFA);
(38) Qualified Plan Financial Consultant (QPFC);
(39) Registered Financial Specialist (RFS);
(40) Registered Financial Planner (RFP); or
(41) Senior Registered Financial Planner (SRFP).[~~Section 2. Nothing in this administrative regulation shall exempt an agent who holds a certification or designation recognized in Section 1 of this administrative regulation from the compliance with the registration requirements of KRS 292.330(1) if the agent transacts business in this state as a broker-dealer, investment adviser, agent, or investment adviser representative.~~]

NANCY ATKINS, Commissioner
K. GAIL RUSSELL, Secretary

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 11:00 a.m. on June 25, 2019 at 215 W. Main St., Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on June 30, 2019. Send written notification of

intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Patrick O'Connor II, Deputy Commissioner, 215 W. Main St., Frankfort, Kentucky 40601, phone 502-564-6026, fax 502-564-2669, email patrick.oconnor@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Patrick O'Connor II

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the listing of recognized financial planning certifications and designations authorized by KRS 304.9-350(8).

(b) The necessity of this administrative regulation: This administrative regulation is necessary to list recognized financial planning certifications and designations authorized by KRS 304.9-350(8).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 304.2-110 authorizes the commissioner to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.9-350(8) authorizes the commissioner to promulgate an administrative regulation to recognize a formal financial planning certification or designation for the purposes of receiving a fee for financial planning services and the sale, solicitation or negotiation of life insurance or annuities for the same insurance risk.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes a clear list of formal financial planning certifications and designations; a holder of any listed certification or designation is permitted to receive fees for providing a variety of services related to the same insurance risk.

(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 updates the necessity, function, and conformity paragraph and removes the unnecessary provisions of Section 2.

(b) The necessity of the amendment to this administrative regulation: This amendment clarifies the scope and intent of the administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 304.2-110 authorizes the commissioner to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.9-350(8) authorizes the commissioner to promulgate an administrative regulation to recognize a formal financial planning certification or designation for the purposes of receiving a fee for financial planning services and the sale, solicitation or negotiation of life insurance or annuities for the same insurance risk.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides a comprehensive list for use by licensees and Department staff.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Licensed insurance agents holding or considering the pursuit of additional financial planner certifications and titles will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: No action is required by regulated entities to comply with this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There is no cost to regulated entities to comply with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities: This administrative regulation provides a list of recognized financial planning certifications and designations for ease of reference by insurance licensees.

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

(a) Initially: There is no cost anticipated to administer this amendment.

(b) On a continuing basis: There is no cost anticipated to administer this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is necessary for the implementation and enforcement of this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary for the implementation and enforcement of this amendment.

(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 directly or indirectly.

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated regulated entities are treated similarly.

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? This administrative regulation affects the Department of Insurance and the Department of Financial Institutions.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 304.9-350(8)

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for the state or local government.

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

(c) How much will it cost to administer this program for the first year? There is no anticipated cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There is no anticipated cost to administer this program for subsequent years.

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

Revenues (+/-): Neutral.

Expenditures (+/-): Neutral.

Other Explanation: None.

PUBLIC PROTECTION CABINET
Real Estate Authority
Kentucky Board of Auctioneers
(Amendment)

831 KAR 1:010. Licensing fees and applications.

RELATES TO: KRS 330.050(6), 330.060, 330.070, 330.095, 330.192

STATUTORY AUTHORITY: KRS 330.050(8), 330.060(3)(b), 330.070, 330.192

NECESSITY, FUNCTION, AND CONFORMITY: KRS 330.050(8) authorizes the Board of Auctioneers to promulgate administrative regulations with the approval of the executive director of the Kentucky Real Estate Authority in accordance with KRS Chapter 13A as required to fulfill the duties and functions assigned to the board by KRS Chapter 330. KRS 330.060(3)(b) requires the board to establish an examination fee by administrative regulation. KRS 330.070 requires the board to promulgate administrative regulations concerning license fees and replacement fees and authorizes the board to establish fees for deferral of continuing education or a change of address. KRS 330.192 authorizes the board to promulgate administrative regulations concerning the auctioneer's education, research, and recovery fund. This administrative regulation establishes fees associated with acquiring and maintaining auctioneer licenses.

Section 1. Licensure Fees. (1)(a) The initial license fee for each new applicant with the Kentucky Board of Auctioneers shall be $125. Payment of the fee shall accompany the Auctioneer License Application, KBA-1.

(b) An applicant for an initial license shall submit with his or her Auctioneer License Application, KBA-1, a national background check that was completed by the Federal Bureau of Investigation within the sixty (60) days preceding submission of the application.

(2)(a) The license renewal fee shall be $125. A late fee of $125 shall be added to the renewal fee during the six (6) month grace period following the expiration date of the license.

(b) A licensee shall use the online License Renewal System offered by the board at https://auctioneers.ky.gov/Pages/default.aspx.

(c) If a licensee is unable to use the online procedure, he or she shall submit a completed paper copy of the License Renewal Form to the Kentucky Board of Auctioneers.

(3)(a) The examination fee for each applicant shall be $125. Payment of the fee shall accompany the Auctioneer Examination Application, KBA-2.

(b) An applicant for an initial license shall also attach a current two (2) inch by two (2) inch passport quality photo to the completed Auctioneer Examination Application, KBA-2.

(4)(a) The licensing fee for a reciprocal applicant shall be determined pursuant to KRS 330.095(1)(c). Payment of the fee shall accompany the Auctioneer[~~Reciprocal~~] License Application, KBA-1.

(b) An applicant for a reciprocal license shall submit with his or her Auctioneer License Application, KBA-1 a national background check that was completed by the Federal Bureau of Investigation within the sixty (60) days preceding submission of the application.

(c) An applicant for a reciprocal license shall:

1. Attach a current two (2) inch by two (2) inch passport quality photo to the completed Auctioneer License Application, KBA-1; and

2. Submit a letter of good standing from at least one (1) jurisdiction where the applicant holds a license subject to a present reciprocal agreement between that jurisdiction and the board.

Section 2. Late Continuing Education Completion Fee. (1) A licensee who has failed to complete the required continuing education credits on or before May 31 of each[~~during the~~] license year shall[~~may~~] remit a fee of $300 to remain active[~~, and the continuing education reporting requirement shall be deferred to the next annual renewal~~].

(2) A licensee who remits the fee prescribed in subsection (1) of this Section shall be prevented from renewing his or her license in the following license year unless he or she completes the delinquent education prior to the renewal period.

(3) Nothing in this Section shall alleviate a licensee's obligation to complete the continuing education required for each license year.

Section 3. Replacement Fee. The fee for replacement of a license or a pocket license shall be fifteen (15) dollars.

Section 4. Reactivation Fees. (1) To reactivate a license that has previously been placed in escrow status, a licensee shall pay:

(a)[~~(1)~~] A reactivation fee of $125; and

(b)[~~(2)~~] The[~~annual renewal~~] recovery fee of thirty (30) dollars.

(c)[~~(3)~~] The reactivation fee shall not apply to any individual seeking to reactivate a license within ninety (90) days following a period of active duty military service[~~, who shall request reinstatement of licensure within sixty (60) days of the individual's honorable discharge from the service or return from military duty, and the board shall grant the request~~]. In the event the individual has been discharged from military service, this exception shall only apply if the individual was honorably discharged.

(2) The licensee shall complete the board's core course within six (6) months prior to requesting to reactive a license that is currently in escrow and submit proof of the same with the completed License Status and Information Update Form, KBA-3.

(3) A licensee seeking to reactivate his or her license shall submit a national background check that was completed by the Federal Bureau of Investigation within the sixty (60) days preceding submission of the application with the completed License Status and Information Update Form, KBA-3.

Section 5. Change of Address and License Verification Fees. (1) The fee for a change of address shall be fifteen (15) dollars.

(2) The fee for a change of principal shall be fifteen (15) dollars.

(3) There shall be no fee for the following changes:

(a) Placing license into escrow; and

(b) Change of name.

(4) The fee for a duplicate license shall be fifteen (15) dollars.

(5) The fee for a letter of good standing shall be five (5) dollars. Upon request, the board shall provide documentation directly to the auctioneer licensing authority in another jurisdiction.

(6) Change and license verification requests shall be submitted on the Information Update and License Documentation Form, KBA-3.

Section 6. Recovery Fees. The following fees shall be assessed for the auctioneer's education, research, and recovery fund established by KRS 330.192:

(1)[~~(a)~~] The[~~initial~~] recovery fee for each license application[~~new applicant~~] shall be thirty (30) dollars, which shall be waived for a principal auctioneer if the licensee has already paid the recovery fee for another license in the current license year; and

(2)[~~(b)~~] The[~~renewal~~] recovery fee for each license[~~licensee~~] shall be thirty (30) dollars per year.

Section 7. Non-refundable Fees[~~Complaints~~]. All fees established by this administrative regulation shall be non-refundable[~~Complaints against a licensee shall be filed on the Complaint Form, and shall not require a fee~~].

Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Auctioneer License Application, KBA-1", May 2019[~~2018~~];

(b) "Auctioneer Examination Application, KBA-2", May 2019[~~2018~~]; and

(c) "License Status and Information Update Form, KBA-3 [~~Auctioneer Reciprocal License Application"~~], May 2019.[~~2018;~~

~~(d) "Information Update and License Documentation Form", May 2018; and~~]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Auctioneers, 656 Chamberlin Avenue, Suite B, Frankfort, Kentucky 40601 Monday through Friday, 8 a.m. to 4:30 p.m.

JOSEPH GRIBBINS, Chair
H.E. CORDER, Executive Director
K. GAIL RUSSELL, Secretary

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 9:00 a.m. on June 25, 2019 at 656 Chamberlin Avenue, Suite B

Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Heather L. Becker, General Counsel, Kentucky Real Estate Authority, 656 Chamberlin Avenue, Suite B Frankfort, Kentucky 40601, phone 502-564-7760, fax 502-564-1538, email heather.becker@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Heather L. Becker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the deadline on or before which a licensed auctioneer must complete his or her continuing education requirements. Additionally, this administrative regulation adds the requirement that initial and reciprocal license applicants submit a national criminal history report with the application for licensure. This administrative regulation also amends materials incorporated by reference to make conforming changes.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to assist the Kentucky Board of Auctioneers in discharging its duties pursuant to KRS Chapter 330.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 330.050(8) authorizes the board to promulgate administrative regulations with the approval of the executive director of the Kentucky Real Estate Authority in accordance with KRS Chapter 13A as required to fulfill the duties and functions assigned to the board by KRS Chapter 330. KRS 330.060(2) and (3)(b), KRS 330.070, and KRS 330.192 all require the board to establish fees or prescribe application processes by administrative regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board of Auctioneers is charged with the responsibility of licensing and regulating auctioneers and auction house operators in Kentucky. This amended administrative regulation provides the fee schedule and the application requirements for auctioneer applicants and licensees in Kentucky.

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

(a) How the amendment will change this existing administrative regulation: This administrative regulation changes the deadline on or before which a licensed auctioneer must complete his or her continuing education requirements. Additionally, this administrative regulation adds the requirement that initial and reciprocal license applicants submit a national criminal history report with the application for licensure. This administrative regulation also amends materials incorporated by reference to make conforming changes.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation is necessary to assist the Kentucky Board of Auctioneers in discharging its duties pursuant to KRS Chapter 330.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 330.050(8) authorizes the board to promulgate administrative regulations with the approval of the executive director of the Kentucky Real Estate Authority in accordance with KRS Chapter 13A as required to fulfill the duties and functions assigned to the board by KRS Chapter 330. KRS 330.060(2) and (3)(b), KRS 330.070, and KRS 330.192 all require the board to establish fees or prescribe application processes by administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: The Board of Auctioneers is charged with the responsibility of licensing and regulating auctioneers and auction house operators in Kentucky. This amended administrative regulation provides the fee schedule and the application requirements for auctioneer applicants and licensees in Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky Board of Auctioneers is affected by this administrative regulation. New applicants and current board licensees will be affected.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: The Kentucky Board of Auctioneers will not have to take any additional steps to comply with the changes in this proposed administrative regulation. Current licensees will be required to obtain their continuing education hours on or before May 31 of each license year. New and reciprocal license applicants will be required to obtain and submit a national criminal background report with an application for licensure.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There is no cost associated with complying with this administrative regulation for the Kentucky Board of Auctioneers and current licensees. New and reciprocal license applicants will be required to obtain and submit a national criminal background report with an application for licensure, which carries an additional expense of $15-$35 dollars for each applicant.

(c) As a result of compliance, what benefits will accrue to the entities: As a result of compliance, the Kentucky Board of Auctioneers will be able to process license renewals more efficiently and better protect the public. All auctioneer licensees will benefit from the changed continuing education deadline through more efficient renewals and the knowledge that the applicants entering the profession have undergone a background check.

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

(a) Initially: There is no initial cost to implement this amendment.

(b) On a continuing basis: There is no cost to implement this amendment on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no funding necessary to implement this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The implementation of this amendment requires no 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 did not increase fees. This administrative regulation provides the fee schedule for established licensing processes. New and reciprocal license applicants will experience an indirect increase in fees as a result of having to obtain a national criminal background check.

(9) TIERING: Is tiering applied? No. Tiering is not applied because this amendment applies similarly to similarly situated applicants and licensees.

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 Board of Auctioneers will be affected.

(2) Identify each state or federal statute or federal regulation

that requires or authorizes the action taken by the administrative regulation. KRS 330.050(8) authorizes the board to promulgate administrative regulations with the approval of the executive director of the Kentucky Real Estate Authority in accordance with KRS Chapter 13A as required to fulfill the duties and functions assigned to the board by KRS Chapter 330. KRS 330.060(2) and (3)(b), KRS 330.070, and KRS 330.192 all require the board to establish fees by administrative regulation.

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation establishes licensing fees and is not anticipated to have an impact on revenue raised from previous years.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment to the current administrative regulation is not expected to change total revenue to the Kentucky Board of Auctioneers for subsequent years.

(c) How much will it cost to administer this program for the first year? There is no cost to administer this amendment for the first year.

(d) How much will it cost to administer this program for subsequent years? There is no cost to administer this amendment for subsequent years.

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

Revenues (+/-): No impact.

Expenditures (+/-): No impact.

Other Explanation: This amendment does not alter fee amounts.

PUBLIC PROTECTION CABINET
Real Estate Authority
Kentucky Board of Auctioneers
(Amendment)

831 KAR 1:020. Standards of conduct and complaints.

RELATES TO: KRS 330.110, 330.120, 330.130

STATUTORY AUTHORITY: KRS 330.050(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 330.050(8) authorizes the Board of Auctioneers to promulgate administrative regulations with the approval of the executive director of the Kentucky Real Estate Authority in accordance with KRS Chapter 13A as required to fulfill the duties and functions assigned to the board. This administrative regulation establishes requirements to protect the public through adequate recordkeeping and accounting by licensees.

Section 1. Personal Property Auction Proceeds. (1) Proceeds due from the sale of personal property shall be disbursed to the seller no later than thirty (30) days after the date of each auction. If the seller's personal property is not sold in a single auction, proceeds from the sale shall be disbursed to the seller no later than thirty (30) days after the auction at which such personal property was sold. Notice shall be given to the seller of the tentative date of auction of the remaining personal property.

(2) Proceeds of a personal property auction not disbursed to the seller on auction day shall be deposited in an auction escrow account by the auctioneer or auction firm no later than three (3) banking days following the date of auction or sale of the personal property[goods], whichever occurs first.

Section 2. Real Property Auction Proceeds. (1) If an[Auctioneers and auction firms shall use federally insured depositories in the Commonwealth of Kentucky.

Section 3. Proceeds due from the sale of goods, other than real property, shall be disbursed to the seller no later than thirty (30) days after the date of each auction, unless the] auction consisted of both personal property and real property for the same seller,[in which case] the proceeds due from the sale of the personal property may be disbursed to the seller in conjunction with the real property closing and settlement if the real property closing and settlement occurs within sixty (60) days following the date it was auctioned.

(2) Proceeds[of the auction.

Section 4. Funds] from a real estate auction shall be held in escrow until settlement in accordance with the agreement of sale.

Section 3[5]. Auctioneer Escrow Accounts. (1) Auctioneers and auction firms shall use federally insured depositories in the Commonwealth of Kentucky.

(2)[If the seller's goods are not sold in a single auction, proceeds due shall be disbursed to the seller within thirty (30) days after each auction for goods, other than real property, or in accordance with the agreement of sale for the sale of real property. Notice shall be given to the seller of the tentative date of auction of the remaining goods.

Section 6. (1)] The auction escrow account or accounts shall be separate from any individual or office account and used solely for the preservation and guarantee of money belonging to others consisting of auction proceeds and real property contract deposits.

(3)[(2)] Funds for any other purpose shall not be commingled with the auction escrow account.

(4)[(3)] Escrow funds shall only be disbursed at settlement or withdrawn by agreement in writing by all parties, by an order of a court of competent jurisdiction or, in the case of real property contract deposits held by a broker, in accordance with KRS Chapter 324 and 201 KAR Chapter 11.

(5)[(4)] Moneys due to the auctioneer or auction firm shall not be withdrawn from the auction escrow account until final settlement is made with the seller[owner].

Section 4[7]. Complaints and Discipline. (1) A licensee shall comply with all applicable provisions of KRS Chapter 330 and 831[201] KAR Chapter 1[3].

(2)[(1)] Failure to comply shall subject a licensee to discipline in an administrative action.

(3)[(2)] A complaint against a licensee for a violation of this administrative regulation or KRS Chapter 330 shall be notarized,[and] filed with the board on the Complaint Form, and shall not require a fee.

(4) All claims for monetary damages or relief from the auctioneer's education, research, and recovery fund established pursuant to KRS 330.192 shall be made in writing and submitted to the board within twelve (12) months of the act of the auctioneer giving rise to the loss.

(5) Amendments to a timely filed proof of claim shall be accepted.

(6) A licensee shall file a notarized answer to a complaint with the board no later than twenty (20) days of receiving the complaint from the board.

(7) A licensee shall maintain and provide to the board at least one (1) physical residential mailing address that is not a P.O. Box and a business address which may be a P.O. Box.

Section 5[8]. Incorporation by Reference. (1) "Complaint Form", KBA-6, May 2019[July 2018], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Auctioneers, 656 Chamberlin Avenue, Suite B, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

JOSEPH GRIBBINS, Chair
H. E. CORDER, Executive Director
K. GAIL RUSSELL, Secretary

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 9:00 a.m. on June 25, 2019 at 656 Chamberlin Ave. Suite B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Heather L. Becker, General Counsel, Kentucky Real Estate Authority, 656 Chamberlin Ave. Suite B, Frankfort, Kentucky 40601, phone 502-564-7760, fax 502-564-1538, email heather.becker@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Heather L. Becker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation clarifies an auctioneer's obligations for the distribution and escrowing of auction proceeds. This administrative regulation also clarifies how a licensee is required to respond to a complaint filed with the Kentucky Board of Auctioneers.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure consistent recordkeeping and accounting procedures for auctioneers in the Commonwealth.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 330.050(8) authorizes the board to promulgate administrative regulations with the approval of the executive director of the Kentucky Real Estate Authority in accordance with KRS Chapter 13A as required to fulfill the duties and functions assigned to the board by KRS Chapter 330.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board of Auctioneers is charged with the responsibility of licensing and regulating auctioneers and auction house operators in Kentucky. This administrative regulation protects licensees and consumers by setting forth clear recordkeeping and accounting requirements and assists consumers and licensees regarding the board's complaint processing procedures.

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

(a) How the amendment will change this existing administrative regulation: This administrative regulation restates an auctioneer's obligations as to distribution and escrowing of auction proceeds. This administrative regulation also clarifies how a licensee is required to respond to a complaint filed by a consumer with the Kentucky Board of Auctioneers.

(b) The necessity of the amendment to this administrative regulation: Amendment to this administrative regulation is necessary, as a previous draft did not accurately reflect that not all sellers of property are the legal owners of that property. This amendment changes that misstatement while also clarifying a licensee's obligations as to distribution and escrowing of auction proceeds. The amendment also clarifies a licensee's responsibilities with regard to respond to complaints filed by a consumer with the Kentucky Board of Auctioneers.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 330.050(8) authorizes the board to promulgate administrative regulations with the approval of the executive director of the Kentucky Real Estate Authority in accordance with KRS Chapter 13A as required to fulfill the duties and functions assigned to the board by KRS Chapter 330.

(d) How the amendment will assist in the effective administration of the statutes: The Board of Auctioneers is charged with the responsibility of licensing and regulating auctioneers and auction house operators in Kentucky. This administrative regulation protects licensees and consumers by setting forth clear recordkeeping and accounting requirements and assists consumers and licensees regarding the board's complaint processing procedures.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky Board of Auctioneers and current licensees will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: The Kentucky Board of Auctioneers will not be required to take any action to comply with this administrative regulation. Current licensees will have to follow the distribution, escrowing, and complaint response rules established by this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There is no cost associated with complying with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities: This amendment clarifies compliance requirements for both licensees and consumers regarding the disbursement of auction proceeds and the use of escrow accounts.

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

(a) Initially: There is no initial cost to implement this amendment.

(b) On a continuing basis: There is no cost to implement amendment on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no funding necessary to implement this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The implementation of this amendment requires no increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This amendment neither directly nor indirectly increases any fees.

(9) TIERING: Is tiering applied? No. Tiering is not applied because this amendment applies to all licensees of the Kentucky Board of Auctioneers equally.

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 Board of Auctioneers will be affected.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 330.050(8) authorizes the board to promulgate administrative regulations with the approval of the executive director of the Kentucky Real Estate Authority in accordance with KRS Chapter 13A as required to fulfill the duties and functions assigned to the board by KRS Chapter 330.

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

regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate any 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? This administrative regulation will not generate any revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? There is no cost to administer this administrative regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? There is no cost to administer this administrative regulation for subsequent years.

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

Revenues (+/-): No impact.

Expenditures (+/-): No impact.

Other Explanation: None.

PUBLIC PROTECTION CABINET
Real Estate Authority
Kentucky Board of Auctioneers
(Amendment)

831 KAR 1:030. Education requirements.

RELATES TO: KRS 330.050, 330.060, 330.070, 330.095

STATUTORY AUTHORITY: KRS 330.050(8), 330.060(1), 330.070(7), 330.095

NECESSITY, FUNCTION, AND CONFORMITY: KRS 330.050(8) authorizes the Board of Auctioneers to promulgate administrative regulations with the approval of the executive director of the Kentucky Real Estate Authority in accordance with KRS Chapter 13A as required to fulfill the duties and functions assigned to the board by KRS Chapter 330. KRS 330.060(1) requires applicants for an apprentice auctioneer or auction house operator's license to successfully complete instruction as prescribed by the board from a board-approved auction education provider. KRS 330.070(7) authorizes the board to require, as a condition precedent to the renewal of any license, that each licensee complete continuing education up to ten (10) hours per license year. This administrative regulation establishes prelicensing and continuing education requirements for all board of auctioneer licensees.

Section 1. Education Providers. (1) All required education shall be obtained from a board-approved provider.

(2) A request to become an approved provider shall be made on the Continuing Education: Approved Provider Application form, KBA-4 provided by the board.

(3) A prospective or approved provider shall notify the board in writing within thirty (30) days of any material change in information submitted on the application or attachments. Notification shall be made on the License Status and Information Update form, KBA-3, incorporated by reference in 831 KAR 1:010[~~Information Update and License Documentation form~~].

(4) An approved provider shall submit to the board advance notification of each course offering on the Continuing Education: Course Notification form, KBA-5.

(5) An approved provider shall submit to the board a roster of attendees completing a course within ten (10) days of completion. The roster shall include each attendee's name, address, license number, and e-mail address.

(6) An approved provider shall disclose to all potential students prior to enrollment:

(a) The full cost of each course, including tuition, books, and required materials; and

(b) The number of continuing education hours to be earned by attending and completing each course.

(7) An approved provider shall maintain clear and correct written or electronic records for a minimum of five (5) years, including:

(a) Course handouts;

(b) Attendance records; and

(c) Course evaluations.

(8) A provider's approval shall be subject to withdrawal for a violation of KRS Chapter 330 or 831 KAR Chapter 1.

(9) A complaint against an approved provider shall be notarized and filed on the Complaint Form, KBA-6, which is incorporated by reference in 831 KAR 1:020.

Section 2. Instructors. (1) An instructor for a course provided pursuant to this administrative regulation shall hold or have previously held:

(a) Current and comprehensive knowledge of the subject matter they will be teaching;

(b) The ability to effectively teach, interact, and communicate with the attendees; and

(c) The ability to provide a controlled and positive learning classroom environment.

(2) An instructor for a course provided pursuant to this administrative regulation shall not have:

(a) Had a professional license revoked or suspended;

(b) Been convicted of any crime involving auction, real estate, or any abuse of fiduciary responsibilities; or

(c) Been disciplined in any jurisdiction for falsifying student attendance records or completion of course requirements or other improper educational actions related to licensure.

(3) An instructor who is also a licensee shall receive continuing education credit for teaching a course approved pursuant to this administrative regulation once per educational year for the same course.

Section 3. Auctioneer Education and Licensing Requirements [~~Prelicensing Education Requirements~~]. (1) To be licensed as an apprentice auctioneer, an applicant shall show proof of a high school diploma or equivalent.

(2) An applicant for a license shall obtain the required education from an approved provider or combination of approved providers.

(3)[~~(2)~~] An applicant for a principal[~~an~~] auctioneer license shall have successfully completed at least eighty (80) hours of approved classroom instruction.

(a) Up to eight (8) hours may include approved outside activities and field instruction, such as attendance at auctions;

(b) Up to forty (40) hours may include approved distance learning.

(4)[~~(3)~~] The board may[~~shall~~] waive the approved classroom instruction requirement if requested in writing by[~~and if~~] an applicant who demonstrates sufficient previous auction experience and competency.

(5) Reciprocity with any state that does not require an apprenticeship shall be granted after a licensee, who is a nonresident of Kentucky, has held his or her license for a minimum of one (1) year in the reciprocating state.

Section 4. Licensee Continuing Education Requirements. (1) A licensee shall attend a minimum of six (6) course hours of continuing education from any approved provider or combination of approved providers on or before May 31 of each[~~per~~] license year.

(2) A licensee shall attend the Kentucky Auction Core Course at least once every four (4) years based on the board's schedule according to the licensee's birth month.

(a) A licensee seeking to reactivate a license from escrow shall complete the Kentucky Auction Core Course.

(b) A licensee with at least twenty-five (25) years of continuous licensure shall be exempt from the Kentucky Auction Core Course requirement.

(3) A licensee licensed prior to January 1, 1980 shall be exempt from this section of this administrative regulation.

Section 5. Continuing Education Courses. (1) A licensee may attend a live course or participate in a distance learning course in which the instructor and attendee are not physically present at the same location.

(2) A continuing education course shall focus on auctions or auction law.

(a) An approved provider shall keep all course material current with KRS Chapter 330 and 831 KAR Chapter 1.

(b) The Kentucky Auction Core Course shall include instruction in the core subjects of KRS Chapter 330, 831 KAR Chapter 1, ethics, and any other applicable subject matter.

(c) Real estate education classes shall not qualify for continuing education.

(3) Courses sponsored by the National Auctioneers Association and the Certified Auctioneer's Institute shall qualify for continuing education.

(4) General business meetings and noneducational portions of auctioneer conventions shall not qualify for continuing education.

(5) Live courses shall be subject to monitoring visits from board personnel.

(6) Distance learning shall be subject to periodic review by board personnel. For internet based courses, approved providers shall include "test" login information with the course notification to the board, which shall authorize the board to review the material.

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

(a) "Continuing Education: Approved Provider Application, KBA-4", May 2019[~~2018~~]; and

(b)[~~"Information Update and License Documentation", May 2018; and~~

~~(c)~~] "Continuing Education: Course Notification, KBA-5", May 2019[~~2018~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Auctioneers, 656 Chamberlin Avenue, Suite B, Frankfort, Kentucky 40601 Monday through Friday, 8 a.m. to 4:30 p.m.

JOSEPH GRIBBINS, Chair
H. E. CORDER, Executive Director
K. GAIL RUSSELL, Secretary

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 9:00 a.m. on June 25, 2019 at 656 Chamberlin Ave., Suite B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Heather L. Becker, General Counsel, Kentucky Real Estate Authority, 656 Chamberlin Ave., Suite B, Frankfort, Kentucky 40601, phone 502-564-7760, fax 502-564-1538, email heather.becker@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Heather L. Becker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the requirements for education for auctioneers in Kentucky, including pre-licensing education, continuing education, reciprocal licensing requirements, and exemptions to the above.

(b) The necessity of this administrative regulation: KRS 330.060 and 330.070 permit the board to set pre-licensure and continuing education requirements for license applicants and licensees, and this administrative regulation discharges that duty. Additionally, KRS 330.095 permits the board to establish reciprocal licensing agreements and processes, which this regulation accomplishes. Lastly, HB 291, passed during the 2019 Regular Session, permits the board to waive the licensing requirement of having a high school diploma or its equivalent upon submission of an affidavit or other evidence as required the board. This administrative regulation incorporates the waiver of that requirement.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 330.050 permits the board to promulgate administrative regulations to fulfill the duties and functions assigned to it. KRS 330.060 specifies pre-licensure requirements for license applicants and KRS 330.070 permits the board to condition license renewal on completion of specified continuing education up to ten (10) hours per year. KRS 330.095 allows the board to develop reciprocal licensing processes, and a recent amendment to KRS 330.060 allows the board to waive certain application prerequisites upon submission of acceptable proof to the board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist the board in carrying out its duties and functions under KRS Chapter 330 by codifying and clarifying continuing education requirements to enhance consumer protection. The changes proposed by this administrative regulation will also remove barriers to market entry for reciprocal licensees and prospective licensees who otherwise would be unable to satisfy the current statutory prerequisites for licensure.

(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 sets forth the requirements for education for auctioneers in Kentucky, including pre-licensing education, continuing education, reciprocal licensing requirements, and exemptions to the above. KRS 330.060 and 330.070 permit the board to set pre-licensure and continuing education requirements for license applicants and licensees, and this administrative regulation discharges that duty. Additionally, KRS 330.095 permits the board to establish reciprocal licensing agreements and processes, which this regulation accomplishes. Lastly, HB 291, passed during the 2019 Regular Session, permits the board to waive the licensing requirement of having a high school diploma or its equivalent upon submission of an affidavit or other evidence as required the board. This administrative regulation incorporates the waiver of that requirement.

(b) The necessity of the amendment to this administrative regulation: KRS 330.060 and 330.070 permit the board to set pre-licensure and continuing education requirements for license applicants and licensees, and this administrative regulation discharges that duty. Additionally, KRS 330.095 permits the board to establish reciprocal licensing agreements and processes, which this regulation accomplishes. Lastly, HB 291, passed during the 2019 Regular Session, permits the board to waive the licensing requirement of having a high school diploma or its equivalent upon submission of an affidavit or other evidence as required the board. This administrative regulation incorporates the waiver of that requirement.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 330.050 permits the board to promulgate administrative regulations to fulfill the duties and functions assigned to it. KRS 330.060 specifies pre-licensure requirements for license applicants and KRS 330.070 permits the board to condition license renewal on completion of specified continuing education up to ten (10) hours per year. KRS 330.095 allows the board to develop reciprocal licensing processes, and a recent amendment to KRS 330.060 allows the board to waive certain application prerequisites upon submission of acceptable proof to the board.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation will assist the board in carrying out its duties and functions under KRS Chapter 330 by codifying and clarifying continuing education requirements to enhance consumer protection. The changes proposed by this administrative regulation will also remove barriers to market entry for reciprocal licensees and prospective licensees who otherwise would be unable to satisfy the current statutory prerequisites for licensure.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky Board of Auctioneers will be affected by this administrative regulation. Additionally, prospective initial and reciprocal licensing applicants will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: The Kentucky Board of Auctioneers will not have to take any action to comply with this administrative regulation. Barriers to compliance for prospective initial and reciprocal licensing applicants have been removed by this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There is no cost associated with complying with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities: As a result of compliance with this administrative regulation, current and prospective licensees will have additional options for fulfilling requirements and the Kentucky Board of Auctioneers will enjoy additional discretion in issuing of licenses.

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

(a) Initially: There will be no cost to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is necessary to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this administrative regulation.

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

(9) TIERING: Is tiering applied? No. Tiering is not applied because this regulation applies equally to similarly situated licensees.

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 Board of Auctioneers will be affected.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 330.050, 330.060, 330.070, and 330.095 allow or require the action taken by this administrative regulation.

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment will not generate any 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? This amendment will not generate any revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? There is no cost to administer this amendment for the first year.

(d) How much will it cost to administer this program for subsequent years? There is no cost to administer this amendment for subsequent years.

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

Revenues (+/-): No impact.

Expenditures (+/-): No impact.

Other Explanation: None.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Maternal and Child Health
(Amendment)

902 KAR 4:030. Newborn screening program.

RELATES TO: KRS 211.180(1), 214.155

STATUTORY AUTHORITY: KRS 194A.050(1), 211.090(3), 214.155

NECESSITY, FUNCTION, AND CONFORMITY: KRS 214.155 requires the Cabinet for Health and Family Services to operate a newborn screening program for inborn errors of metabolism and other inherited and congenital disorders and conditions, and to establish a schedule of fees to cover the actual costs to the cabinet for the program. This administrative regulation requires that infants be tested for inborn errors of metabolism and other inherited and congenital disorders and conditions as specified in KRS 214.155, and establishes the schedule of fees to cover actual costs of the newborn screening program. The selection of screened conditions is based upon the recommended uniform screening panel as authored by the American College of Medical Genetics and commissioned by the Health Resources and Services Administration, U.S. Department of Health and Human Services.

Section 1. Definitions. (1) "Blood spot testing" means laboratory testing that is performed on newborn infants to detect a wide variety of inherited and congenital disorders and conditions by using a laboratory-authorized filter paper specimen card.

(2) "Critical congenital heart disease" or "CCHD" means an abnormality in the structure or function of the heart that exists at birth and places an infant at significant risk of disability or death if not diagnosed and treated soon after birth.

(3) "Diagnostic echocardiogram" means a test that uses ultrasound to provide an image of the heart that is performed by a technician trained to perform pediatric echocardiograms.

(4) "Laboratory" means the Division of Laboratory Services within the Cabinet for Health and Family Services, Department for Public Health.

(5) "Pediatric cardiologist" means a pediatrician that is board-certified to provide pediatric cardiology care.

(6) "Program" means the Newborn Screening Program for inherited and congenital disorders and conditions operated by the Cabinet for Health and Family Services, Department for Public Health.

(7) "Pulse oximetry testing" means a noninvasive test that estimates the percentage of hemoglobin in blood that is saturated with oxygen.

(8) "Submitter" means a hospital, primary care provider, health department, birthing center, laboratory, or midwife submitting an

infant's blood specimen for the purpose of newborn screening.

Section 2. Tests for inborn errors of metabolism or other inherited or congenital disorders and conditions for newborn infants as part of newborn screening shall be consistent with the U.S. Department of Health and Human Services' Recommended Uniform Screening Panel and include the following:

(1) 2-Methyl-3-hydroxybutyric aciduria (2M3HBA);
(2) 2-Methylbutyryl-CoA dehydrogenase deficiency (2MBDH);
(3) 3-Methylcrotonyl-CoA carboxylase deficiency (3MCC);
(4) 3-Methylglutaconic aciduria (3MGA);
(5) 3-Hydroxy 3-Methylglutaric aciduria (HMG);
(6) Argininemia (ARG);
(7) Argininosuccinic acidemia (ASA);
(8) Beta-ketothiolase deficiency (BKT);
(9) Biotinidase disorder (BIOT);
(10) Carnitine acylcarnitine translocase deficiency (CACT);
(11) Carnitine palmitoyl transferase deficiency I (CPT-I);
(12) Carnitine palmitoyl transferase deficiency II (CPT-II);
(13) Carnitine uptake defect (CUD);
(14) Citrullinemia type I (CIT-I);
(15) Citrullinemia type II (CIT-II);
(16) Congenital adrenal hyperplasia (CAH);
(17) Congenital hypothyroidism (CH);
(18) Critical congenital heart disease (CCHD);
(19) Cystic fibrosis (CF);
(20) Ethylmalonic encephalopathy (EE);
(21) Galactosemia (GAL);
(22) Glutaric acidemia type I (GA I);
(23) Glutaric acidemia type II (GA_[-]II);
(24) Glycogen storage disease type II (GSD-II, Pompe Disease);
(25) Homocystinuria (HCY);
(26) Hypermethioninemia (MET);
(27) Hyperphenylalinemia (H-PHE);
(28) Isobutyryl-CoA dehydrogenase deficiency (IBG);
(29) Isovaleric acidemia (IVA);
(30) Long-chain Hydroxy acyl-CoA dehydrogenase deficiency (LCHAD)[~~Long-chain L-3-OH acyl-CoA dehydrogenase deficiency (LCAD)~~];
(31) Malonic academia (MAL);
(32) Maple syrup urine disease (MSUD);
(33) Medium-chain acyl-CoA dehydrogenase deficiency (MCAD);
(34) Methylmalonic acidemia (Cbl A,B);
(35) Methylmalonic acidemia (Cbl C,D);
(36) Methylmalonic acidemia mutase deficiency (MUT);
(37) Mucopolysaccharidosis type I (MPS-I, Hurler's Disease);
(38) Multiple carboxylase deficiency (MCD);
(39) Non-ketotic Hyperglycinemia (NKHG);
(40) Phenylketonuria (PKU);
(41) Propionic acidemia (PA);
(42) Severe combined immunodeficiency (SCID);
(43) Short-chain acyl-CoA dehydrogenase deficiency (SCAD);
(44) Sickle cell disease (Hb S/S);
(45) Sickle cell hemoglobin C disease (Hb S/C);
(46) Sickle cell S Beta Thalassemia (Hb S/Th);
(47) Spinal muscular atrophy (SMA);
(48) Trifunctional protein deficiency (TFP);
(49)[~~(48)~~] Tyrosinemia type I (TYR-I);
(50)[~~(49)~~] Tyrosinemia type II (TYR-II);
(51)[~~(50)~~] Tyrosinemia type III (TYR-III);
(52)[~~(51)~~] Various Hemoglobinopathies (includes Hb E);[~~and~~]
(53)[~~(52)~~] Very long-chain acyl-CoA deficiency (VLCAD); and
(54) X-linked adrenoleukodystrophy (X-ALD).

Section 3. Tests for inborn errors of metabolism or other inherited or congenital disorders and conditions for newborn infants as part of newborn screening shall include the following disorder that is not recommended by the U.S. Department of Health and Human Services, but is required by Kentucky law: Krabbe Disease (KD).

Section 4. Submitter Responsibilities. (1) Except as provided in KRS 214.155(3) and (5), the administrative officer or other person in charge of the hospital or institution caring for newborn infants and the attending primary care provider or midwife shall administer to, or verify administration of tests to, every infant in its care prior to hospital discharge:

(a) A blood spot test to detect inborn errors of metabolism and other inherited and congenital disorders and conditions identified in Sections 2 and 3 of this administrative regulation; and

(b) Pulse oximetry testing to detect critical congenital heart disease.

(2) If a baby is not born in a hospital or institution, the attending primary care provider or midwife shall ensure that both tests required by subsection (1) of this section are:

(a) Administered between twenty-four (24) and forty-eight (48) hours of age;

(b) Acted upon if abnormal; and

(c) Reported to the program by fax or by the cabinet's web-based system.

(3) A capillary blood spot specimen shall be obtained from a newborn infant not requiring an extended stay due to illness or prematurity between twenty-four (24) and forty-eight (48) hours of age.

(4) If the infant is to remain in the hospital due to illness or prematurity, the hospital shall obtain the capillary blood spot specimen from that infant after twenty-four (24) and before seventy-two (72) hours of age.

(5) Except as provided by subsection (6) of this section, the pulse oximetry testing shall be performed when the infant is twenty-four (24) hours of age or older and shall occur prior to discharge.

(6) If the infant is discharged prior to twenty-four (24) hours of age, the blood spot and pulse oximetry testing shall be performed as close to twenty-four (24) hours of age as possible.

(7) If an infant is transferred from the birth hospital to another hospital during the newborn hospital stay, the requirements[~~rules~~] established in this subsection shall apply.

(a) The sending hospital shall obtain the capillary blood spot specimen for the newborn screening blood test and the pulse oximetry testing for CCHD if the infant is twenty-four (24) hours of age or more when the infant is transferred to another hospital.

(b) The receiving hospital shall ensure the newborn screening blood spot test and the pulse oximetry testing are performed if the infant is less than twenty-four (24) hours of age when the infant is transferred.

(8) If an infant expires before the newborn screening blood spot test and pulse oximetry test have been performed, the program shall be notified within five (5) calendar days.

(9) If the information on the filter paper specimen card obtained by the submitter and sent to the laboratory is incomplete or inadequate, then the submitter, upon request of the program, shall:

(a) Attempt to locate the infant and obtain a complete and adequate specimen within ten (10) days; and

(b) Report to the program a specimen that is unable to be obtained within ten (10) days.

(10) A submitter that is[~~Submitters that are~~] responsible for the collection of the initial blood spot specimen and pulse oximetry testing for newborn screening shall:

(a) Provide to an infant's parent or guardian educational materials regarding newborn screening and pulse oximetry testing;

(b) Designate a newborn screening coordinator and physician responsible for the coordination of the facility's newborn screening compliance by having a newborn screening protocol;

(c) Notify the program of the name of the individuals designated in paragraph (b) of this subsection each year in January and if the designated individual changes; and

(d) Develop a written protocol for tracking newborn screening compliance, which shall:

1. Be submitted to the program each year in January; and

2. Include, at a minimum:

a. A requirement that the name of the primary care provider that will be attending the infant after birth or discharge or, if known, the primary care provider who will be caring for the infant after

discharge, shall be placed on the filter paper specimen card sent with the initial blood spot specimen to the laboratory. If the infant is in the neonatal intensive care unit, the name of the attending neonatologist may be placed on the filter specimen card sent with the initial blood spot specimen to the laboratory;

b. Verification that:

(i) Each infant born at that facility has had a specimen obtained for newborn screening and pulse oximetry testing on or before discharge;

(ii) All information on the specimen card has been thoroughly completed; and

(iii) The specimen has been submitted appropriately;

c. A process to ensure that final results of the pulse oximetry screening are entered into the Cabinet's web-based system; and

d. A procedure to assure the hospital or facility that identifies that an infant has not had a specimen obtained for newborn screening and pulse oximetry testing prior to discharge shall:

(i) Notify the program;

(ii) Use every reasonable effort to locate the infant;

(iii) Notify the parent or guardian and the primary care provider immediately; and

(iv) Recommend that the infant present to the hospital or primary care provider immediately for a newborn screening blood spot specimen and pulse oximetry testing.

(11) A hospital or facility[~~Hospitals or facilities~~] shall report each written refusal[~~all written refusals~~], in accordance with KRS 214.155(5), to the program within five (5) calendar days.

Section 5. Blood Specimen Collection. (1) A capillary blood spot specimen[~~specimens~~] required by[~~in~~] Section 4 of this administrative regulation shall be obtained by a heel stick.

(2) Blood from the heel stick shall be applied directly to the filter paper specimen card.

(3) All circles shall be saturated completely using a drop of blood per circle on a filter paper specimen card.

(4) The specimen collector shall provide, on the filter paper specimen card, information requested by the laboratory.

(5) The capillary blood spot specimen shall be air dried for three (3) hours and then shall be mailed or sent to the laboratory:

(a) Within twenty-four (24) hours of collection of the specimen; or

(b) The next business day in which mail or delivery service is available.

(6) A submitter[~~Submitters~~] sending a blood spot specimen[~~specimens~~] via regular mail services shall send the specimen[~~specimens~~] to the following address: Cabinet for Health and Family Services, Department for Public Health, Division of Laboratory Services, 100 Sower Boulevard[~~P.O. Box 2010~~], Frankfort, Kentucky 40602.

(7) A submitter[~~Submitters~~] sending a blood spot specimen[~~specimens~~] via expedited mail services shall ensure the specimen is[~~specimens are~~] sent to the following address: Cabinet for Health and Family Services, Department for Public Health, Division of Laboratory Services, 100 Sower Boulevard, Suite 204, Frankfort, Kentucky 40602.

(8) Specimens processed or tracked under the newborn screening program shall be limited to specimens on infants less than six (6) months of age.

Section 6. Unsatisfactory or Inadequate Blood Specimen. (1) If a specimen is unsatisfactory or inadequate to produce a valid result, the laboratory shall notify the submitter and the parent on the filter paper specimen card that the newborn screen needs to be repeated as soon as possible.

(2) If a requested repeat specimen has not been received within ten (10) business days from the date the repeat request was issued, the program shall notify the parent by mail of the need for a repeat screening test.

Section 7. Special Circumstances - Blood Transfusion. If a newborn infant requires a blood transfusion, the requirements[~~following rules~~] for newborn screening established in this section shall apply.[~~:~~]

(1) The hospital shall obtain a capillary blood spot specimen for newborn screening prior to the infant being transfused, except in an emergency situation.

(2) If the pre-transfusion blood spot specimen was obtained before twenty-four (24) hours of age, or if it was not obtained due to an emergency situation, then the hospital or primary care provider shall use all reasonable efforts to obtain a repeat capillary blood specimen from the transfused infant and submit it to the laboratory according to the following schedule:

(a) Seventy-two (72) hours after the last blood transfusion, rescreen for inborn errors of metabolism and inherited and congenital disorders and conditions listed in Sections 2 and 3 of this administrative regulation; and

(b) Ninety (90) days after the last blood transfusion, rescreen for any disorder that relies on red blood cell analysis such as hemoglobinopathies, galactosemia, and biotinidase deficiency.

Section 8. Reporting Results of Newborn Screening Blood Tests. (1) Normal Results. Upon receipt of a normal lab result[~~results~~], the laboratory shall mail the result[~~results~~] to the primary care provider and the submitter.

(2) Abnormal Results.

(a) The laboratory shall report abnormal, presumptive positive, or equivocal results of tests for inborn errors of metabolism, inherited and congenital disorders and conditions to the program.

(b) The submitter[~~Submitters~~] and primary care provider listed on the filter paper specimen card[~~providers~~] shall receive a copy of all abnormal, presumptive positive, and equivocal results by mail.

(c)[~~(b)~~] In addition to receiving mailed results, the primary care provider[~~providers~~] shall be notified of an abnormal, presumptive positive, or[~~and~~] equivocal result[~~results~~] in the[~~following~~] manner established in this paragraph.[~~:~~]

1. Upon receipt of an abnormal, equivocal, or a presumptive positive lab result, the laboratory shall notify the primary care provider listed on the filter paper specimen card within two (2) business days of the result and the need for follow-up testing.

2. Upon receipt of a presumptive positive lab result, the program shall notify the primary care provider listed on the filter paper specimen card of the result and recommend immediate consultation with a university pediatric specialist.

3. If the program is unable to determine the infant's primary care provider to notify them of an abnormal, presumptive positive, or equivocal result[~~results~~] and the need for follow-up, the program shall use every available means to notify the infant's parent.

(d)[~~(c)~~] The Cabinet for Health and Family Services shall share pertinent test results with a state university-based specialty clinic[~~clinics~~] or primary care provider[~~providers~~] who informs[~~inform~~] the cabinet they are treating the infant who received the test.

(e)[~~(d)~~] The cabinet may share pertinent test results with the local health department in the infant's county of residence that conducts newborn screening follow-up activities.

(f) A[~~(e) These~~] specialty clinic[~~clinics~~] or primary care provider[~~providers~~] shall report results of diagnostic testing to the program within thirty (30) days or earlier upon request.[~~(f) The laboratory shall report abnormal, presumptive positive, or equivocal results of tests for inborn errors of metabolism, inherited and congenital disorders and conditions to the program.~~]

(g) If a requested repeat specimen has not been received within ten (10) business days from the date the repeat request was issued, the program shall notify the parent by mail of the need for a repeat screening test.

Section 9. Pulse Oximetry Screening for Critical Congenital Heart Disease. Pulse oximetry screening for critical congenital heart defects required by Section 2 of this administrative regulation shall be consistent with the standard of care according to national recommendations by the American Academy of Pediatrics.

Section 10. Pulse Oximetry Screening Process. (1) Except as provided by KRS 214.155(3) and subsections (2) and (4) of this section, pulse oximetry testing shall be performed when the infant is between twenty-four (24) and forty-eight (48) hours of age and

shall occur no later than the day of discharge.

(2) If the infant is discharged prior to twenty-four (24) hours of age, the blood spot and pulse oximetry testing shall be performed as close to twenty-four (24) hours of age as possible.

(3) An infant[~~Infants~~] in a neonatal intensive care unit[~~units~~] shall be screened when medically appropriate after twenty-four (24) hours of age but prior to discharge.

(4) An infant[~~Infants~~] who has[~~have~~] been identified with critical congenital heart disease prior to birth or prior to twenty-four (24) hours of age shall be exempt from the pulse oximetry screening process.

(5) Pulse oximetry screening shall be performed by placing pediatric pulse oximetry sensors simultaneously on the infant's right hand and either foot to obtain oxygen saturation results.

(6) If using a single pediatric pulse oximetry sensor, pulse oximetry screening shall be performed on the infant's right hand and either foot, one after the other, to obtain oxygen saturation results.

Section 11. Pulse Oximetry Testing Results. (1) A passed result shall not require further action if:

(a) The pulse oximetry reading in both extremities is greater than or equal to ninety-five (95) percent; and

(b) The difference between the readings of both the upper and lower extremity is less than or equal to three (3) percent.

(2)(a) A pending result shall:

1. Occur if:

a. The pulse oximetry reading is between ninety (90) and ninety-four (94) percent; or

b. The difference between the readings of both the upper and lower extremity is greater than three (3) percent; and

2. Be repeated using the pulse oximetry screening in one (1) hour.

(b) If a repeated pulse oximetry screen is also interpreted as pending, it shall be performed again in one (1) hour.

(c) If the pulse oximetry result on the third screen continues to meet the criteria as pending after three (3) screenings have been performed, it shall be considered failed and the procedures established in subsection (3) of this section shall be followed.

(3) A failed result shall:

(a) Occur if:

1. The initial pulse oximetry reading is less than ninety (90) percent in the upper or lower extremity; or

2. The provisions of subsection (2)(c) of this section apply; and

(b)[~~shall~~] Require the following actions[~~action~~]:

1.[~~(a)~~] The primary care provider shall be notified immediately;

2.[~~(b)~~] The infant shall be evaluated for the cause of the low saturation reading; and

3.[~~(c)~~] If CCHD cannot be ruled out as the cause of the low saturation reading, the attending physician or advanced practice registered nurse shall:

a.[~~1.~~] Order a diagnostic echocardiogram to be performed without delay;

b.[~~2.~~] Ensure the diagnostic echocardiogram be interpreted as soon as possible; and

c.[~~3.~~] If the diagnostic echocardiogram results are abnormal, obtain a consultation with a pediatric cardiologist prior to hospital discharge.

Section 12. Reporting Results of Pulse Oximetry Screening. (1) Final results of the pulse oximetry screening shall be entered into the cabinet's web-based system.

(2) A failed result shall be immediately reported to the program by fax or by the cabinet's web-based system.

Section 13. Newborn Screening Fees. (1) A submitter[~~Submitters~~] obtaining and sending a blood spot specimen to the laboratory shall be billed a fee of $123 for the initial newborn screening test.

(2) A submitter[~~Submitters~~] obtaining and sending a repeat blood spot specimen to the laboratory shall not be charged an additional fee.

(3) Fees due the Cabinet for Health and Family Services shall be collected through a monthly billing system.

JEFFREY D. HOWARD, JR., M.D., Commissioner
ADAM M. MEIER, Secretary

APPROVED BY AGENCY: May 8, 2019

FILED WITH LRC: May 14, 2019 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on June 24, 2019, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 2019, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie Brooks, (502) 564-3970, julied.brooks@ky.gov; or Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation requires that infants be tested for inborn errors of metabolism and other inherited and congenital disorders and conditions as specified in KRS 214.155, and establishes the schedule of fees to cover actual costs of the newborn screening program.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure all newborns are screened for heritable and congenital disorders

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 214.155 requires the Cabinet for Health and Family Services to operate a newborn screening program for inborn errors of metabolism and other inherited and congenital disorders and conditions, and to establish a schedule of fees to cover the actual costs to the cabinet for the program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the identification of newborns who have inborn errors of metabolism and other inherited and congenital disorders and conditions.

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

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation adds two (2) conditions to the list of tests for inborn errors of metabolism or other inherited or congenital disorders and conditions, corrects the title of another listed condition, and corrects the mailing address for submitting screening samples by mail.

(b) The necessity of the amendment to this administrative regulation: The U.S. Department of Health and Human Services updated the Recommended Uniform Screening Panel (RUSP) in July 2018. This amendment is necessary to ensure every newborn is screened for all disorders on the RUSP.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 214.155 requires all tests for heritable disorders to include all conditions consistent with the recommendations of the American College of Medical Genetics.

The list of conditions on the RUSP is based upon "Newborn Screening: Toward a Uniform Screening Panel and System" as authored by the American College of Medical Genetics.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the early identification and diagnosis of newborns with spinal muscular atrophy (SMA) and X-linked adrenoleukodystrophy (X-ALD), lists Long-chain Hydroxy acyl-CoA dehydrogenase deficiency (LCHAD) correctly, and will ensure those submitting screening samples by mail have the correct address.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky Department for Public Heath's Divisions of Maternal and Child Health and Laboratory Services would be impacted, but the incidence of the diseases or conditions is rare. The department anticipates five (5) SMA notifications and two (2) to three (3) X-ALD notifications per year.

(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 questions (3) will have to take to comply with this administrative regulation or amendment: As the Department for Public Health currently responds to a number of diseases according to established protocol, there would be very little change to its existing operations.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): There will be no additional incurred cost for testing or follow-up.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Parents or guardians of a newborn diagnosed with SMA or X-ALD will receive the supports and services necessary to assist in the care of the child. The newborn screening program will be testing for all conditions as recommended by U.S. Department for Health and Human Services

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

(a) Initially: There will be no additional cost to the Department for Public Health to implement this change.

(b) On a continuing basis: There will be no additional cost on an ongoing basis.

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

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

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. There is no establishment or increase in fees associated with this amendment.

(9) TIERING: Is tiering applied? Tiering is not applied. This administrative regulation impacts all affected entities equally.

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? This administrative regulation impacts the Division of Maternal and Child Health and the Division of Laboratory Services within the Department for Public Health.

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), 211.090(3), 214.155

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 addition of these two (2) conditions will not generate any additional revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? There will be no increased revenue generated in subsequent years.

(c) How much will it cost to administer this program for the first year? The current cost of the newborn screening program is $6,519,000. There is no anticipated increase in costs to administer this program.

(d) How much will it cost to administer this program for subsequent years? There is no anticipated increase in costs to administer this program for subsequent years.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Maternal and Child Health
(Amendment)

902 KAR 4:035. Cost reimbursement for specialized [~~special~~] food products.

RELATES TO: KRS 205.560(1)(c), 213.141(2), 304.17A-258[~~214.155(1), 304.17A-139~~], 7 C.F.R. 246.2, 246.10[~~Part 246, 42 U.S.C. 1786~~]

STATUTORY AUTHORITY: KRS 194A.050(1), 205.560(1)(c)[~~, 214.155(1)~~]

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 the programs and fulfill the responsibilities vested in the cabinet. KRS 205.560(1)(c) requires the cabinet to cover the cost of products for the treatment of inborn errors of metabolism or genetic, gastrointestinal, and food allergic conditions, consisting of therapeutic food, formulas, supplements, amino acid-based elemental formula, or low-protein modified food products that are medically necessary and administered under the direction of a physician[~~KRS 214.155(1) requires the cabinet to establish and collect fees to cover the cost of analyzing testing samples for inborn metabolic errors. KRS 213.141(2) requires the cabinet to prescribe a fee for a copy of a birth record, one (1) dollar of which shall be used by the Division of Adult and Child Health Improvement to pay for amino acid modified preparations and low-protein modified food products for the treatment of genetic and metabolic diseases~~]. This administrative regulation establishes the application and cost reimbursement procedures for specialized food products.

Section 1. Definitions. (1) "Amino acid-based elemental formula[~~modified preparation~~]" is defined by[~~at~~] KRS 304.17A-258(1)(c)[~~304.17A-139(4)(a)1~~].

(2) "Low-protein modified food" is defined by[~~at~~] KRS 304.17A-258(1)(b)[~~304.17A-139(4)(a)2~~].

(3) "Patient" means a person with one (1) or more of the metabolic conditions listed in KRS 205.560(1)(c).

(4) "Program" means the Kentucky Metabolic Foods and Formulas program operated by the Cabinet for Health and Family Services, Department for Public Health.

(5) "Specialized food product" means a therapeutic food or formula, supplement, amino acid-based elemental formula, or low-protein modified food product, which is medically indicated for

therapeutic treatment.

(6)[~~"Provider" means an individual or entity authorized to fill a prescription for an amino acid modified preparation or low protein modified food product.~~

~~(5)~~] "Uninsured patient" means a patient[~~one~~] who does not meet the criteria to receive Medicaid, K-CHIP, Medicare, or WIC benefits, or whose private insurance coverage is exhausted or denied.

(7) "Vendor" means an individual or entity authorized to fill a prescription for specialized food product for an uninsured patient.

(8)[~~(6)~~] "WIC" is defined by[~~means the Special Nutrition Program for Women, Infants, and Children administered pursuant to 42 U.S.C. 1786 and~~] 7 C.F.R. 246.2[~~Part 246~~].

Section 2. Eligibility. (1) An individual meeting the definition of an uninsured patient shall be eligible to receive approval for financial coverage of a specialized food product by the program.

(2) An uninsured patient seeking financial coverage of a specialized food product shall submit to the program:

(a) Kentucky Metabolic Food and Formula Provision Financial and Release of Information Form; and

(b) Written verification that an application for WIC, Medicaid, Medicare, or K-CHIP was denied, and that private health insurance has been exhausted or denied.

(3) On behalf of an uninsured patient seeking financial coverage of a specialized food product, a licensed or certified healthcare practitioner with prescriptive authority shall submit to the program:

(a)1. A Kentucky Metabolic Disease Program Physician's Statement of Medical Necessity – Metabolic Disease Therapy form; or

2. A certificate of medical necessity; and

(b) A prescription for the specialized food product.

(4) Eligibility for financial coverage shall be renewed annually by submitting the documentation as required by subsection (2) of this section.

(5) The cost of the formula for a patient who is eligible for WIC shall be covered by the WIC Program in accordance with 7 C.F.R. 246.10(e)(3)(i).

(6)[~~(2)~~] The cost for food and formula for a patient covered by private health insurance shall be paid under the terms of the individual insurance policy, which shall meet or exceed the limit established in KRS 304.17A-258[~~304.17A-139.~~

~~(3) An uninsured patient may qualify for financial assistance by submitting the following information and completed forms annually, to the Department for Public Health, Division of Adult and Child Health Improvement, 275 East Main Street HS 2GW-A, Frankfort, Kentucky 40621:~~

~~(a) Kentucky Metabolic Disease Program Physician's Statement of Medical Necessity - Metabolic Disease Therapy form;~~

~~(b) Kentucky Metabolic Food and Formula Provision Financial and Release of Information Form; and~~

~~(c) Written verification that application for WIC, Medicaid, or K-CHIP was denied, and that private health insurance has been exhausted~~].

Section 3. Cost Reimbursement. (1) Cost reimbursement shall be made directly to the vendor filling a prescription for a specialized food product.

(2) To receive reimbursement of the actual cost plus twenty (20) percent, a vendor[~~provider~~] shall submit the following documents to the program[~~Department for Public Health, Division of Adult and Child Health Improvement~~]:

(a)[~~(1)~~] A prescription for the specialized food product[~~metabolic food and formula~~] from a licensed or certified healthcare practitioner with prescriptive authority;

(b)[~~(2)~~] A completed[~~Division of Adult and Child Health,~~] Authorization for Services, MFF-100[~~Form ACH 233~~]; and

(c)[~~(3)~~] An invoice from the supplier with the patient name, service date,[~~patient name,~~] and cost to the vendor[~~provider~~].

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Kentucky Metabolic Disease Program Physician's Statement of Medical Necessity - Metabolic Disease Therapy", Rev. 2/19[~~5/2001~~"];

(b) "[~~Division of Adult and Child Health~~]Authorization for Services", MFF-100, 2/19[~~Form ACH 233, 10/00~~"]; and

(c) "Kentucky Metabolic Food and Formula Provision Financial and Release of Information Form", FRI-100, Rev. 2/19[~~12/2004~~"].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, Division of Maternal[~~Adult~~] and Child Health[~~Improvement~~], 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

JEFFREY D. HOWARD, JR., M.D., Commissioner
ADAM M. MEIER, Secretary

APPROVED BY AGENCY: May 8, 2019

FILED WITH LRC: May 14, 2019 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on June 24, 2019, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 2019, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Agency Contacts: Julie Brooks, (502) 564-3970, julied.brooks@ky.gov; or Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the application and cost reimbursement procedures for specialized food products for the treatment of genetic and metabolic diseases.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide lifesaving specialized food products for individuals who are not eligible for coverage of the specialized food products by WIC, Medicaid, Medicare, or K-CHIP, or who's private insurance has been exhausted.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 205:560(1)(c) authorizes the cabinet to promulgate administrative regulations for the scope of medical care for which the cabinet undertakes to pay; and includes drugs as defined products for the treatment of inborn errors of metabolism or genetic, gastrointestinal, and food allergic conditions, consisting of therapeutic food, formulas, supplements, amino acid-based elemental formula, or low-protein modified food products.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the requirements for the application to receive financial coverage for specialized food products, and provides for uniform cost reimbursement procedures.

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

regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment updates the NECESSITY, FUNCTION AND CONFORMITY paragraph to cite to the correct statutory authority; defines the program as the Kentucky Metabolic Foods and Formulas program operated by the Cabinet for Health and Family Services, Department for Public Health; clarifies that a qualifying individual must apply annually; allows a licensed or certified healthcare provider with prescriptive authority to submit a certificate of medical necessity in lieu of using the form developed by the program; allows for a denial of public or private benefits as an eligibility criteria; and updates material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to correct cross-referenced citations; update the application process; and update the material incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment establishes the procedures for coverage of metabolic foods and formulas as authorized by KRS 205.560(1)(c).

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in providing specialized metabolic foods and formulas to those individuals with no available public or private insurance to cover the costs.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will impact between thirty (30) and forty (40) individuals who receive the specialized food products each year, and the four (4) pharmacies providing the specialized food products.

(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 questions (3) will have to take to comply with this administrative regulation or amendment: The individuals receiving the specialized food products will need to be aware of the need to annually apply for financial coverage for the specialized food products and make sure they are using the most up to date versions of the incorporated by reference forms. For those individuals who have private medical insurance they will need to be aware of the need to include a copy of their insurance card and proof of denial of coverage for specialized food products. The pharmacies will need to be aware of the regulatory requirements when providing metabolic foods and formulas.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): There would be minimal costs to the individual seeking coverage for a specialized food product. The associated costs to the individual would be related to the submission of the required paperwork. There will be no additional costs to a pharmacy providing the specialized food product.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Kentucky residents with a metabolic condition and who do not have public or private insurance coverage for specialized food products will have a resource for life saving specialized foods and formulas.

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

(a) Initially: There will be no additional costs to implement this administrative regulation initially.

(b) On a continuing basis: There will be no additional costs to implement this administrative regulation on an ongoing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KRS 213.141(2)(b) authorizes one (1) dollar from every certified copy of a record of birth to be used by the Division of Maternal and Child Health to pay for therapeutic food, formulas, supplements, amino acid-based elemental formula, or low-protein modified foods for all inborn errors of metabolism and genetic conditions. This provides $40,000 of the $300,000 program budget. The remaining funds are state general fund dollars.

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

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

(9) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation affects all entities equally.

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? This administrative regulation will impact the Newborn Screening program in the Division of Maternal and Child Health, Department for Public Health.

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), 205.560(1)(c).

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? This administrative regulation does not generate any revenue.

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

(c) How much will it cost to administer this program for the first year? The total operating costs for the metabolic foods and formula program is $300,000. There is no anticipated increase in costs.

(d) How much will it cost to administer this program for subsequent years? There is no anticipated increase in costs for the metabolic foods and formula program.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 7 C.F.R. Part 246 – Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

(2) State compliance standards. KRS 205.560 outlines the scope of medical care for which the Cabinet for Health and Family Services undertakes to pay. Included in this scope are products for the treatment of inborn errors of metabolism or genetic, gastrointestinal, and food allergic conditions, consisting of therapeutic food, formulas, supplements, amino acid-based elemental formula, or low-protein modified food products that are medically indicated for therapeutic treatment.

(3) Minimum or uniform standards contained in the federal mandate. The WIC program is required under 7 C.F.R. 246.10(e)(3)(i) Food Package III to cover the cost of WIC formula when the use of conventional foods is precluded, restricted, or inadequate to address the special nutritional needs. Participants who are eligible must have a qualifying condition. The qualifying conditions include inborn errors of metabolism and metabolic disorders, gastrointestinal disorders, malabsorption syndromes, severe food allergies that require an elemental formula, and life threatening disorders, disease and medical conditions that impair

ingestion, digestion, absorption or the utilization of nutrients that could adversely affect the participant's nutritional status.

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

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose any stricter standards.

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

902 KAR 7:010. Hotel and motel code.

RELATES TO: KRS 194A.050, 219.011-219.041[-219.081], 219.991(1)

STATUTORY AUTHORITY: KRS 194A.050(1),(3), 219.021, 219.041[Chapter 13B, 194.050, 211.090, EO 96-862]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 194A.050(3) allows the secretary of the cabinet to establish a schedule of reasonable fees for permitting and inspection to ensure compliance with program standards administered by the cabinet. KRS 219.021 authorizes the cabinet to issue permits to operate a hotel, and to establish a fee for an annual permit and permit renewal[219.011 to 219.081 and 219.991(1) directs the Health Services Cabinet to regulate hotels]. KRS 219.041(3) authorizes[directs] the [Health Services] cabinet to adopt a State Hotel Code, which includes the[, among other things,] requirements for the issuance, suspension and revocation of permits to operate; submission of plans for construction and equipment layout; plumbing; lighting; ventilation; water supply; sewage disposal; sanitary standards for operation; and other matters deemed necessary to ensure[insure] a safe and sanitary operation of a hotel.[Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Department for Public Health and its programs under the Cabinet for Health Services.]

Section 1.[Citation of Administrative Regulation. This administrative regulation may be cited as the "State Hotel Code."

Section 2.] Definitions.[As used in this administrative regulation:] (1) "Employee" means any person working in a hotel, including janitors, maids, porters, and other persons whose duties include the cleaning of rooms, toilets, or other parts of the building or the carrying of ice or ice water to guests.

(2) "Ice dispensing machine" means any self-service or semi self-service machine operated by a mechanism which, upon insertion of a coin, coins, or tokens, or by other devices such as levers or switches, dispenses ice either in bulk or in package form.

(3) "Public rest room" means any facility that provides toilet and hand-washing facilities for the general public.

(4) "Self-service ice storage bin" means a self-service machine or storage bin in which ice is manufactured or stored in bulk form and the ice removed by the hotel guest through use of an ice scoop or other similar device.

(5) "Transient" means occupancy of a dwelling unit or a sleeping unit for not more than thirty (30) days.

Section 2. Applicability. For the purposes of this administrative regulation, a hotel shall primarily be transient in nature and shall not include apartments, dormitories, hostels, single or multi-family homes, or vacation rental cabins and shall consist of three (3) or more rentable units within one (1) location.

Section 3. Application for a Permit. (1) A person desiring to operate a hotel shall complete and submit form DFS-200, Application for Permit/License, as incorporated by reference in 902 KAR 10:040, to the local or district health department serving the county where the hotel is located[Application for a permit required by KRS 219.021 shall be made on forms provided by the cabinet and include:

(a) Applicant's full name and address and indicate whether the applicant is an individual, firm or corporation;

(b) If a partnership, the names of the partners, with their addresses;

(c) The location of the hotel; and

(d) The signature of the applicant or applicants].

(2)(a) Upon receipt of an application, the cabinet shall inspect[make an inspection of] the hotel to determine compliance with the provisions of this administrative regulation.

(b) If the[When] inspection reveals that the applicable requirements of this administrative regulation have been met, a permit shall be issued to the applicant by the cabinet.

(3) A permit to operate a hotel shall be renewed annually pursuant to KRS 219.021.

(4)(a) An application for an annual permit to operate a hotel shall be accompanied by a fee of $100.

(b) A late penalty fee of fifty (50) dollars shall be assessed on all annual permit renewals that are postmarked beyond thirty (30) days of the expiration date.

(5) The fee assessed for the inspection of a hotel shall be assessed according to the total number of rooms of the establishment:

(a) One (1) to twenty-five (25) rooms – $150;

(b) Twenty-six (26) to fifty (50) rooms - $175;

(c) Fifty-one (51) to 100 rooms - $200;

(d) 101 to 200 rooms - $225;

(e) 201 to 300 rooms - $250;

(f) 301 to 400 rooms – $275; or

(g) 401 or more rooms - $300.

(6) Payment of Fees. Fees shall be paid to the local health department having jurisdiction. Fees received by local health departments shall be deposited in the Kentucky State Treasury. Inspection fees shall be submitted with the application for a permit to operate.

Section 4. Hotel Water Supply and Ice. (1)(a) The water supply shall be potable, adequate, and from an approved public supply of a municipality or water district, if available.

(b) If[In the event] a public water supply of a municipality or a water district is not available, the supply for a hotel shall be developed and approved in accordance with applicable requirements of 401 KAR Chapter 8.

(c)[the Natural Resources and Environmental Protection Cabinet; provided, however,] If a public water supply of a municipality or water district subsequently becomes available, connections shall be made thereto and the hotel supply shall be discontinued.

(2) Hot and cold or tempered running water under pressure shall be provided in all bathrooms and toilet rooms.

(3) Ice used for any purpose shall be:

(a) Made from water which comes from an approved source;[,] and

(b)[shall be] Used only if it has been manufactured, stored, transported, and handled in a sanitary manner in accordance with the requirements of 401 KAR Chapter 8 and 902 KAR 45:005.

(4)(a) Self-service ice provided for the hotel guest shall be dispensed through use of ice dispensing machines or prepackaged for individual hotel guests from an approved source in all[new] hotels.

(b)[constructed after the effective date of this administrative regulation; provided, however, that] Ice making equipment located in individual rooms shall not be prohibited.

(c) Self-service ice storage bins shall be prohibited[presently being used may be continued in use provided that the machines are maintained in good repair and capable of being properly cleaned. In all cases where the replacement of a self-service ice storage bin becomes necessary, or additional machines added, an ice dispensing machine shall be installed].

Section 5. Hotel Sewage and Waste Disposal. (1) All sewage and waste matter shall be disposed of into a public sewerage system, if available.

(2) If[~~In the event~~] a public sewerage system is not available, disposal shall be made into a private system designed, constructed, and operated in accordance with the requirements of 902 KAR 10:085.

(3)[~~the cabinet; provided, however,~~] If a public sewerage system subsequently becomes available, connections shall be made thereto and the hotel sewerage system shall be discontinued.

Section 6. Toilet and Bathing Facilities. (1) Each hotel shall be provided with adequate and conveniently located toilet and bathing facilities.

(2)[~~Except as provided by KRS 219.021(3) for existing hotels,~~] Toilet and bathing facilities shall be provided for each sleeping room in accordance with 815 KAR 7:120[~~the requirements of the State Building Code~~].

(3) Toilet and bathing fixtures shall be of a sanitary design and readily cleanable.

(4) Toilets and bathing facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair.

(5) Toilet tissue shall be provided.

(6) Easily cleanable receptacles shall be provided for waste materials, and such receptacles in public toilet rooms for women shall be covered.

(7) Public rest room facilities for both sexes shall be provided when required by 815 KAR 7:120[~~the State Building Code in all new hotels constructed after the effective date of this administrative regulation~~].

(8) The doors of all public rest rooms shall be self-closing.

(9)[~~(2)~~] Each hotel shall provide adequate, conveniently located hand-washing facilities at each toilet and bathroom and include[~~including a lavatory or lavatories equipped with hot and cold or tempered running water,~~] hand-cleansing soap and approved sanitary towels or other approved hand-drying devices. Such facilities shall be kept clean and in good repair.

(10)[~~(3)~~] All plumbing in hotels shall comply with 815 KAR Chapter 20[~~the state plumbing code~~].

Section 7. Storage, Collection and Disposal of Hotel Refuse. (1) All containers used in guest rooms, lobbies, hallways, and public assembly rooms for storage of refuse[~~and rubbish containing food waste~~] shall be constructed[~~of durable metal or other approved types~~] of materials that[~~, which~~] do not leak and do not absorb liquids. Such containers shall be thoroughly cleaned on the inside and outside each time they are emptied unless liners are used.

(2) All outside storage containers shall be:

(a) Constructed[~~of durable metal or other approved types~~] of materials that[~~, which~~] do not leak and do not absorb liquids;

(b)[~~, and shall be~~] Provided with tight fitting lids or covers; and

(c)[~~shall, unless kept in a special vermin- proof room or enclosure, be~~] Kept covered[~~when stored. Each storage container shall be cleaned at such frequency as to prevent a nuisance~~].

(3) Refuse[~~The rooms, enclosures, areas and~~] containers shall be adequate for storage of all refuse accumulating on the premises.[~~Adequate cleaning facilities shall be provided and each storage room or area shall be thoroughly cleaned after the emptying or removal of refuse.~~]

(4) All refuse and waste collected at a hotel shall be disposed of in a safe and sanitary manner.[~~In the event a permitted site or facility approved by the Natural Resources and Environmental Protection Cabinet is available, disposal shall be at such site or facility.~~]

Section 8. Room Construction and Layout. (1) All structures used as hotels shall be of permanent, weatherproof construction with sound floors, walls, and ceilings.

(2) All habitable rooms, bathrooms, and halls shall have adequate lighting, ventilation, and heating.

(a) The heating system shall be capable of maintaining a temperature of sixty-eight (68) degrees Fahrenheit.

(b) Natural and artificial lighting for general cleaning purposes and safety of guests shall be at least five (5) foot-candles in guest rooms, stairways, and hallways.

(c) Lighting in reading areas of guest rooms and public meeting rooms shall be thirty (30) foot-candles.

(d) Lighting at bathroom mirrors shall be forty (40) foot-candles.

(3) Sleeping rooms shall have at least one (1) window to the outside air which can be easily opened unless other openings or mechanical devices are used for room ventilation.

(4) All sleeping rooms shall have a door opening directly to the outside or into a hallway leading to the outside.

Section 9. Soap, Towels, Washcloths, Drinking Glasses, and Ice Containers. (1) Rooms used for sleeping purposes shall be provided with soap, towels, washcloths, and drinking glasses.

(a) Two (2) clean towels and one (1) clean washcloth of adequate size shall be provided for each occupant.

(b) One (1) multiuse drinking glass or individual single-service cup shall be provided for each occupant.

(2) Ice storage containers, scoops, and drinking glasses, unless they are of the single-service type, shall be smooth, impervious material and designed to facilitate cleaning, and shall be stored, handled, and dispensed in a sanitary manner.

(3) Multiuse drinking glasses and ice containers shall be washed and sanitized according to procedures as set forth in 902 KAR 45:005[~~the state food service code~~].

(4) Hotels which do not have adequate and effective facilities for cleaning and sanitizing multiuse drinking glasses and ice containers shall use single-service articles. All single-service articles shall be stored, handled, and dispensed in a sanitary manner and shall be used only once. Single-service articles shall be made from nontoxic materials.

(5) Multiuse drinking glasses or single-service containers placed in sleeping rooms shall be individually wrapped or stored on a clean surface in an inverted position.

Section 10. Hotel Beds and Bedding Accessories. (1) Mattress pads or covers shall be used on all mattresses.

(2) Beds, mattresses, springs, slats, mattress pads, and covers shall be clean and free from vermin.

(3) Each bed shall be provided with two (2) sheets; and one (1) pillow and one (1) pillow case for each occupant.

(4) Sheets and pillow cases shall be kept clean and changed at least once per week or more often if necessary or when there is a new occupant.

(5) All beds shall be supplied with sufficient blankets or coverings to keep the occupant warm.

Section 11. Maintenance of Rooms, Furniture and Accessories. All sleeping rooms, hallways, lobbies, and other facilities shall be kept clean and in good repair. Furniture, drapes, curtains, and shades shall be kept clean and in good repair.

Section 12. Linen Storage. Adequate storage areas, rooms, or cabinets shall be provided for all supplies, linens, and equipment, and shall be kept neat, orderly,[~~and~~] clean, and stored away from soiled linens.[~~Clean linens shall be stored in cabinets or on shelves in a linen storage room. Soiled linens shall be so handled and stored as not to come in contact with clean linens.~~]

Section 13. Vermin Control. Effective measures shall be taken to control vermin and other pests, including their entrance into the hotel.

Section 14. Poisonous and Toxic Materials. Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in hotels. Such materials shall be properly stored and identified and shall be used only in such manner and under such conditions as will not constitute a hazard to employees or customers.

Section 15. Hotel Swimming Facilities. Any swimming or bathing facility provided for use by hotel occupants shall be constructed and operated in accordance with 815 KAR 7:120 and 902 KAR 10:120[the State Building Code and the Kentucky public swimming and bathing facilities administrative regulation].

Section 16. Hotel Personnel. (1) A[No] person shall not work in any area of a hotel in any capacity while:

(a) Affected with, or a carrier of, any disease in a communicable form;

(b)[, or while a carrier of such disease, or while] Afflicted with boils, infected wounds, or sores; or

(c) Diagnosed with an acute respiratory infection.

(2) If[, shall work in any area of a hotel in any capacity in which] there is a likelihood of such a person contaminating bedding, and other surfaces with pathogenic organisms, or transmitting disease to other individuals, the hotel manager or person in charge shall follow the procedures established in Section 17 of this administrative regulation[and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the hotel has reason to suspect that any employee has contracted any disease in communicable form or has become a carrier of such a disease, he shall notify the cabinet immediately].

(3)[(2)] All employees shall:

(a) Wear clean outer garments;

(b)[,] Maintain a high degree of personal cleanliness;

(c)[, and] Conform to hygienic practices while on duty; and

(d)[. They shall] Wash their hands thoroughly in an approved hand-washing facility before starting work, and as often as may be necessary to remove soil and contamination.

(4) All employees[No employee] shall wash their hands[resume work] after visiting the toilet, smoking, or eating before returning to work[without first washing his hands].

Section 17. Procedure when Infection is Suspected. (1) If the hotel manager or person in charge has reason to suspect that any employee has contracted any disease in communicable form or has become a carrier of such a disease, the cabinet shall be notified immediately.

(2) When the cabinet has reasonable cause to suspect the possibility of disease transmission from any hotel employee, the cabinet shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated and take appropriate action.

(3) The cabinet may require[any or all of] the following measures:

(a)[(1)] The immediate exclusion of the employee from the hotel;

(b)[(2)] Restriction of the employee's services to an[some] area of the establishment where there would be no danger of transmitting disease; or

(c)[and (3)] Require adequate medical and laboratory examinations of the employee, or of other employees[, and of his and their body discharges].

Section 18. Plan Review of Future Construction. A[No] person shall not construct or[extensively] alter a hotel, or convert an existing structure for use as a hotel, until properly prepared plans and specifications for such construction or alteration, showing layout,[arrangements,] and construction materials,[and the location, size and type of] fixed equipment and[facilities and] a plumbing riser diagram, have been submitted to and approved by the cabinet[before such work is begun. If the construction plans are not acceptable, the cabinet shall give the reason therefor in writing to the person submitting the construction plans and, if the objection can be corrected, the plans can be resubmitted for another review].

Section 19. Inspection of Hotels. (1) At least once every twelve (12) months, the cabinet shall inspect each hotel and shall make additional inspections and reinspections as are necessary for the enforcement of this administrative regulation.

(2) When[Whenever] an agent of the cabinet makes an inspection of a hotel, the findings[he] shall be recorded[record his findings] on an official cabinet inspection report form, DFS-314, Hotel - Motel Inspection Form, and a copy provided to[provide] the permit holder or operator[with a copy]. The inspection report shall:

(a) Set forth the specific violations[violations(s)] found;

(b) Establish a specific[and reasonable] period of time for the correction of the violations[violation(s)] found; and

(c) State that failure to comply with any notice issued in accordance with the provisions of this administrative regulation can[may] result in suspension of the permit.

(3) If the cabinet or its agent is on notice that a hotel is in violation of another agency's lawful requirement, the permit shall not be renewed until the permit holder demonstrates to the cabinet or its agent that the violation has been corrected.

Section 20. Suspension of Permit. (1) A hotel permit shall be suspended immediately upon notice to the permit holder if:

(a)[Whenever] The cabinet has reason to believe that an imminent public health hazard exists;[,] or

(b)[whenever] The permit holder has interfered with [the authorized] agents of the cabinet in the performance of their duties.

(2)[, the permit may be suspended immediately upon notice to the permit holder without a hearing. In such event] The permit holder whose permit has been suspended may request an administrative[a] hearing[which shall be conducted] in accordance with 902 KAR 1:400.

(3)[(2) In all other instances of violation of the provisions of this administrative regulation the cabinet shall serve upon the holder of the permit a written notice specifying the violation(s) in question and afford the holder a reasonable opportunity to correct same. Whenever] A permit holder or operator who has failed to comply with any written notice issued under the provisions of this administrative regulation[, the permit holder or operator] shall be notified in writing that the permit shall be suspended at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed in accordance with 902 KAR 1:400[with the cabinet, by the permit holder within such ten (10) day period.

(3) All administrative hearings shall be conducted in accordance with 902 KAR 1:400].

Section 21. Reinstatement of Suspended Permits. Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. [Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the cabinet shall make a reinspection. If the applicant is found to be in compliance with the requirements of this administrative regulation, the permit shall be reinstated.]

Section 22. Revocation of Permits. (1) For serious or repeated violations of any of the requirements of this administrative regulation or for interference with the agents of the cabinet in the performance of their duties, the permit may be permanently revoked.

(2)[after an opportunity for a hearing has been provided by the cabinet.] Prior to such action, the cabinet shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days following service of such notice, unless a request for an appeal[a hearing] is filed in accordance with 902 KAR 1:400.

(3) A permit may be suspended for cause pending revocation[with the cabinet, by the permit holder, within such ten (10) day period].

Section 23. Incorporation by Reference. (1) The "DFS-314, Hotel – Motel Inspection Form", 10/18, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Environmental Management Branch, Division of Public Health Protection and Safety,

Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

JEFFREY D. HOWARD, JR., M.D., Commissioner
ADAM M. MEIER, Secretary

APPROVED BY AGENCY: May 7, 2019

FILED WITH LRC: May 14, 2019 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on June 24, 2019, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 2019, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Agency Contacts: Julie Brooks, (502) 564-3970, julied.brooks@ky.gov; or Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for issuing a permit to operate a hotel or motel and the standards necessary for safe and sanitary operation of a permitted hotel or motel.

(b) The necessity of this administrative regulation: KRS 219.041 authorizes the secretary to adopt a state hotel code which includes the requirements for the issuance, suspension, and revocation of permits to operate; submission of plan for construction and equipment layout; plumbing; lighting; ventilation; water supply; sewage disposal; and sanitary operation of a hotel. KRS 219.021 authorizes the cabinet to establish a fee not to exceed administrative cost of the program that shall be paid with each application for an annual permit and permit renewal to operate a hotel.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation outlines the requirements for operating a hotel in a safe and sanitary manner; establishes the initial application and permit renewal process; and establishes the fee structure for the inspection of a hotel.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures all hotel establishments are following a uniform code and inspection process.

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

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation clarifies that hotels are transient in nature and the applicability of this regulation; adds the fee structure for hotel permits and inspections; and makes other changes to conform to KRS Chapter 13A drafting rules.

(b) The necessity of the amendment to this administrative regulation: House Bill 327, passed during the 2018 regular session, removed the existing hotel permitting and inspection fee from KRS 219.021 and authorized the cabinet to establish a reasonable fee structure through the promulgation of administrative regulations. This amendment is necessary to establish the fee structure for permitting and inspection of hotels.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 219.021 authorizes the cabinet to establish a reasonable fee structure for permitting and inspection of hotels that does not exceed the cost to the cabinet. While the fee structure established in this administrative regulation does increase the costs to the regulated community it does not exceed the total costs to the program for permitting and inspecting hotels.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will help the cabinet to recoup a small portion of the costs associated with operating a state hotel code.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will impact the 950 permitted hotels and motels in the Commonwealth. This regulation will also impact 120 local health departments and sixty-one (61) district health departments.

(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 questions (3) will have to take to comply with this administrative regulation or amendment: All individuals or companies operating a hotel in Kentucky will pay a standard permitting fee. The owner of a hotel establishment will need to pay attention to the expiration date of the current permit and ensure the renewal is submitted timely to avoid being assessed a late payment penalty fee. The proposed inspection fee structure will be based on the size of the establishment and individuals and companies operating a hotel will need to be aware of this change in order to comply with this administrative regulation and the authorizing statutes. Individuals or companies wishing to build a hotel or convert an existing building to a hotel will need to be aware of the plan review process in order to receive a permit for the construction or modifications. All entities will need to be aware of the transient nature of a hotel to ensure they are in full compliance with this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): It is difficult to determine how much costs the permitted hotels and motels will incur as a result of this amendment. While the amendment does increase the permitting and inspection fees the overall requirements for operating a hotel or motel are not being significantly modified in this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Hotel and motel establishments will continue to operate in a safe and sanitary manner, and be in full compliance with the state hotel code as a result of complying with this administrative regulation.

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

(a) Initially: There are no additional costs initially.

(b) On a continuing basis: There are no additional costs on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds and revenue received from permitting and inspection fees continue to be used to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change, if it is an amendment: This amendment does result in an increase in fees paid by individuals or companies operating a hotel. There is no increase in funding necessary for this regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. This amendment does increase the fees associated with operating a permitted hotel. The administrative cost to the cabinet is approximately $150 per hour for inspectors of hotel establishments. This cost includes the salary of the inspector, fiscal year 2018 Kentucky Employee Retirement System (KERS) and

Federal Insurance Contributions Act (FICA) contributions, and health and life insurance cost. The number of rooms has an impact on the length of time required to conduct an inspection. The table below outlines the proposed change in the fee structure for hotels.

Inspection fee	One (1) to twenty-five (25) rooms	Twenty-six (26) to fifty (50) rooms	Fifty-one (51) to 100 rooms	101 to 200 rooms	201 to 300 rooms	301 to 400 rooms	401 or more rooms
Avg. Hourly Rate (including FY-18 KERS, FICA, health & life, indirect)	$150	$150	$150	$150	$150	$150	$150
Number of hours/inspection including travel time (based on minimum of 10% of rooms inspected along with common areas, public bathrooms, laundry rooms and feeding and concession areas excluding food preparation areas)	2.5	3	3.5	4	4.5	5	6
Minimum number of routine inspections /year.	1	1	1	1	1	1	1
Current Fee Established in 902 KAR 45:120	$100	$125	$150	$175	$200	$225	$250
Proposed Revised Fees (based on no reinspection or enforcement action follow-up)	$150	$175	$200	$225	$250	$275	$300
Number of permitted facilities	212	155	398	159	12	8	6
Proposed fee total	$31800	$27125	$79600	$35775	$3000	$2200	$1800
Actual expenditure	$79500	$69750	$208950	$95400	$8100	$6000	$5400
Application fee							
Current fee	$25	$25	$25	$25	$25	$25	$25
Proposed fee	$100	$100	$100	$100	$100	$100	$100

The hours required for inspection does not include travel time to and from the establishment. The inspection fee is based on a routine inspection only. It does not include the costs associated with doing follow-up inspections for the correction of identified noncompliance or for complaint investigations. On average, one (1) re-inspection is required for every twenty (20) inspections due to identified noncompliance issues. In addition to the time required for inspection, there is staff time dedicated to processing the applications for registration and following up on registrations that were not renewed timely and expired. The addition of the late payment penalty fee will help to offset some of the staff time costs associated with these follow-up activities.

(9) TIERING: Is tiering applied? Tiering is applied. While the permitting fee is the same for all hotels, the fee structure for inspection is staggered and based on the number of rooms in the hotel. Hotels with fewer number of rooms take less time to inspect and therefore those establishments will be assessed a lower inspection fee than a hotel will a larger number of rooms.

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? This administrative regulation impacts the Environmental Management Branch within the Department for Public Health as well as local, district and independent health departments throughout the Commonwealth.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. This administrative regulation is authorized by KRS 194A.050(1), (3), 219.021, 219.031, 219.041.

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 estimated revenue generated from the change in fee structure is $179,320 in the first year. The application fee change will result in $47,500 in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The continued revenue in subsequent years should continue to be $179,320. The application fee change will result in $47,500 in subsequent years.

(c) How much will it cost to administer this program for the first year? The current cost to administer all programs under the Environmental Management Branch within the Division of Public Health Protection and Safety is $1,980,301.00. There is no anticipated increase in costs to administer the hotel and motel permitting and inspection program this first year.

(d) How much will it cost to administer this program for subsequent years? There is not anticipated increase in costs to administer in subsequent years.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

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

902 KAR 9:010. Environmental health.

RELATES TO: KRS 211.920, 211.925, 211.935, 217.015(20)[~~-211.945~~]

STATUTORY AUTHORITY: KRS 194A.050(1)[~~Chapter 13B, 194.050, 211.090~~], 211.925[~~, EO 96-862~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1)[~~211.920 to 211.945~~] authorizes the Cabinet for Health and Family Services to promulgate administrative regulations necessary to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth and necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 211.925 authorizes the cabinet to promulgate[~~adopt rules,~~] administrative regulations[~~,~~] and standards relating to the public health or health aspects of the operation of state confinement facilities.[~~The intent of~~] This administrative regulation establishes[~~is to establish~~] uniform standards of institutional sanitation to safeguard the health of persons confined in state confinement facilities, by providing for the opportunity to pursue adequate personal hygiene for health maintenance, control of the incidence and spread of disease, and maintenance of sanitary living conditions.[~~Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Department for Public Health and its programs under the Cabinet for Health Services.~~]

Section 1. Definitions.[~~As used in this administrative regulation:~~] (1) "Cabinet" is defined by KRS 211.920(1).[~~means the Cabinet for Health Services and its designated agents;~~]

(2) "Cell" means a room designated to provide sleeping and personal storage facilities for no more than two (2) inmates.[~~;~~]

(3) "Confinement housing unit" means a residential structure that:

(a) Is intended for occupancy by inmates of a state confinement facility; and

(b) May include:

1.[~~, which may be subdivided into~~] Wings, levels, or sections containing inmate living areas; and

2.[~~. It may also include~~] Facilities for:

a. Food preparation, service, and dining;

b.[~~,~~] Medical treatment;

c.[~~,~~] Physical exercise;

d.[~~,~~] Education;

e.[~~,~~] Visitation;

f.[~~,~~] Storage; or

g. Other functions necessary for the operation and maintenance of the unit.

(4)[~~"Dayroom" means a common area, room or other place of assembly within a confinement housing unit, or a wing, level, or section of that unit, which is provided for inmate leisure time activities;~~

~~(5)~~] "Dormitory" means a room designated to provide sleeping and personal storage facilities for three (3) or more inmates.

(5)[~~; (6)~~] "Inmate" means any person confined or assigned to residence in a state confinement facility.

(6)[~~; (7)~~] "Inmate space" means the living area, as measured in gross square feet of floor space, required for each inmate within a confinement housing unit.

(7)[~~; (8)~~] "Living area" means the cell or dormitory to which an inmate is assigned for housing, and includes common areas[~~dayrooms~~], personal hygiene facilities, and other areas within a confinement housing unit that[~~which~~] are normally accessible to an inmate on a daily basis.

(8)[~~An area is considered normally accessible when an inmate can enter or use it and includes areas accessible for specified hours or by permission only;~~]

~~(9)~~] "Personal hygiene facility" means a room or rooms that[~~which~~] contain sanitary fixtures such as lavatories, water closets, showers or bathtubs, and other necessary appurtenances for maintaining inmate personal hygiene.

Section 2. Sanitary Facilities and Controls. (1)(a) The water supply shall be potable, adequate, and from an approved public supply of a municipality or water district, if available.

(b) If not available, the supply[~~source and~~] shall be developed and approved pursuant to applicable requirements of 401 KAR Chapter 8.

(c) If a public water supply subsequently becomes available, connections shall be made thereto and the state confinement facility's supply shall be discontinued[~~the Natural Resources and Environmental Protection Cabinet~~].

(2)(a) All sewage and liquid waste matter shall be disposed of into a public sewer system, if available.

(b) If[~~In the event~~] a public sewer system is not available, disposal shall be made into a private sewage disposal system designed, constructed, and operated pursuant to 902 KAR 10:085.

(c)[~~the requirements of the cabinet;~~] If an adequate public sewer system subsequently becomes available, connections shall be made thereto and the state confinement facility's sewage disposal system shall be discontinued.

(3) A drinking fountain or a potable water service fixture with individual single service drinking cups shall be accessible to inmates in their living area pursuant to the requirements of 815 KAR Chapter 20[~~the State Plumbing Code~~]. The use of a common drinking vessel shall be[~~is~~] prohibited.

(4) Each confinement housing unit shall include personal hygiene facilities within the unit that[~~which~~] contain sanitary fixtures meeting the requirements of 815 KAR Chapter 20[~~the State Plumbing Code~~] as to design, fixture type, and numbers of fixtures.

(5) All personal hygiene facilities shall be designed and constructed pursuant to the requirements of 815 KAR 7:120[~~the State Building Code~~]. All walls, floors, ceilings, partitions, sanitary fixtures, and appurtenances shall be maintained in a sanitary condition and in good repair.

(6) An adequate supply of clean washcloths, towels, and clothing, and toilet tissue, soap, and similar personal hygiene articles shall be issued to each inmate as necessary to maintain hygiene.

(7) Hot and cold or tempered water shall be supplied to all lavatories, showers, and bathtubs, and all hot or tempered water supply lines to the[~~such~~] fixtures shall be protected by temperature and pressure control devices approved for use by 815 KAR Chapter 20[~~the State Plumbing Code~~] to prevent scalding.

(8) All plumbing shall comply with 815 KAR Chapter 20[~~the State Plumbing Code~~].

(9) All refuse[~~garbage and rubbish~~] shall[~~, prior to disposal,~~] be:

(a) Kept in containers that are:

1. Leak-proof;

2. Non-absorbent;

3. Flame-retardant; and

4. Routinely cleaned; and

(b) Removed from confinement housing units on a daily basis and be disposed of at least weekly or more often if necessary in accordance with 401 KAR Chapter 30[~~leak-proof, nonabsorbent containers and the containers shall be kept covered with tight-fitting lids when stored. Containers shall be flame-retardant. Adequate cleaning facilities shall be provided and containers shall be kept clean. All garbage and rubbish shall be removed from confinement housing units on a daily basis and shall be disposed of at least weekly or more often if necessary, and in a manner approved by the Natural Resources and Environmental Protection Cabinet~~].

Section 3. Facilities and Equipment. (1) Each confinement housing unit shall provide a minimum inmate space of sixty (60) square feet for each inmate housed within that unit.

(2) Each cell and dormitory shall:

(a) Have at least eight (8) foot ceilings;

(b) Contain a bed for each inmate; and

(c) Provide facilities for storage of inmates' personal belongings, including clothing and towels.

(3) All floors, walls, ceilings, and equipment of confinement housing units shall be constructed pursuant to 815 KAR 7:120[~~the State Building Code~~]. All parts of the confinement housing unit and its premises shall be kept in good repair, clean, neat, and free of refuse[~~litter and rubbish~~].

Section 4. Lighting. Each confinement housing unit shall be provided with natural or artificial light sufficient to provide twenty (20) foot candles of light for reading purposes, to permit observation, and for proper cleaning and maintenance. All light fixtures shall be kept in good repair and clean.

Section 5. Heating, Cooling and Ventilation. (1) All confinement housing units shall be provided with heating, cooling, and ventilation equipment as required by 815 KAR 7:120[~~the State Building Code. The equipment shall be capable of meeting the requirements of the State Fire Marshal for safety, maintenance and operation~~].

(2) Ventilation, through natural or mechanical means, shall be sufficient to provide fresh air and remove disagreeable odors.

Section 6. Vermin Control. (1) Effective measures to control the presence of rodents, flies, roaches, and other vermin on the premises shall be utilized. The premises shall be kept in a[~~such~~] condition as to prevent the harborage or breeding of vermin.

(2) Openings to the outside shall be protected against the entrance of rodents, insects, and other vermin by tight-fitting, self-closing doors, closed windows, screening, or controlled air currents[~~, or other acceptable means~~]. Screening material shall not be less than sixteen (16) mesh to one (1) inch.

Section 7. Bedding. (1) As a minimum, each inmate in a state confinement facility shall be provided with:

(a) An approved flame-retardant and water-repellent mattress and pillow;

(b) A pillowcase;

(c) A sheet or cloth mattress cover; and

(d) A blanket.

(2) If, in the sound discretion of the appropriate person in charge of the state confinement facility, any items listed in this section would constitute a danger or hazard to the inmate confined due to a behavior or mental condition, the[~~such~~] items may be withheld.

(3) Mattresses, pillows, blankets, sheets, pillowcases, and mattress covers shall be kept in good repair and clean.

(4) Sheets, pillow cases, and mattress covers, if used without sheets, shall be changed and laundered at least weekly and before being issued to another inmate.

Section 8. Exercise. Adequate space shall be provided within the state confinement facility to allow all inmates an opportunity to obtain physical exercise.

Section 9. Medical Examination Room. Adequate space shall be provided within the state confinement facility to allow for medical examination of inmates.

Section 10. Food Service. All state confinement facilities shall comply with the food service provisions of 902 KAR 45:005[~~KRS 219.011 to 219.081 and 219.991 and the State Food Service Code~~]. If food for inmates is not prepared by the state confinement facility, food shall be obtained from a commercial food service establishment holding a valid permit from the cabinet.

Section 11.[~~10.~~] Food Manufacturing. All food manufacturing and processing conducted at state confinement facilities shall be operated pursuant to 902 KAR 45:160[~~applicable public health laws and administrative regulations of the cabinet~~].

Section 12.[~~11.~~] Existing Facilities and Equipment. Notwithstanding the other provisions of this administrative regulation, facilities and equipment being used by existing state confinement facilities, which do not fully meet the design and construction requirements of this administrative regulation, may be continued in use, if the facility or equipment:

(1) Is in good repair;

(2) Is[~~,~~] capable of being maintained in a sanitary condition;[~~,~~] and

(3) Does not create a[~~creates no~~] health hazard.

Section 13.[~~12.~~] Plan Review of Construction. Plans for alteration or new construction of state confinement facilities shall be submitted to the appropriate agencies for approval.

Section 14.[~~13.~~] Inspection of State Confinement Facilities. (1) At least once each six (6) months, the cabinet shall inspect each state confinement facility and shall make as many additional inspections and reinspections as are necessary for carrying out the provisions of this administrative regulation.

(2) When an agent of the cabinet makes an inspection of a state confinement facility, the findings shall be recorded on the DFS-316, Correctional Facilities Inspection Form, and a copy shall be provided to the warden or superintendent[~~he shall record his findings on an official cabinet inspection report form and provide the supervising and maintaining authorities with a copy of the report~~]. If a deficiency is found, the inspection report shall:

(a) Set forth the specific deficiencies found;

(b) Identify any variances previously granted;

(c) Establish a specific and reasonable period of time for the correction of the deficiency found; and

(d) State that failure to comply with any notice issued pursuant to the provisions of this administrative regulation may result in the initiation of legal action.

Section 15.[~~14.~~] Enforcement Hearings. For purposes of enforcement, if[~~whenever~~] the warden or superintendent has[~~supervising and maintaining authorities have~~] failed to comply with any written notice or order issued under the provisions of this administrative regulation, they shall be notified in writing that legal action may be instituted against the state confinement facility in accordance with KRS 211.935[~~, and the supervising and maintaining authorities, at the end of ten (10) working days following service of the notice, unless a written request for a hearing is filed with the cabinet, by the supervising and maintaining authorities, within the ten (10) working day period. All administrative hearings shall be conducted in accordance with 902 KAR 1:400~~].

Section 16.[~~15.~~] Variance Hearings. (1) A warden or superintendent[~~Any supervising and maintaining authority~~] of a state confinement facility may request in writing that the cabinet consider granting a variance to any provision of this administrative regulation.

(2) A written request[~~requests~~] for a variance shall include all pertinent information about the facility, the specific provision[~~provision(s)~~] of the administrative regulation affected, the specific reason[~~reason(s)~~] for the request, and evidence in support of the request.

(3) Upon receipt of a request for a variance, the cabinet shall review the request and establish a date, time, and location for the convening of an administrative hearing.

(4)[~~All administrative hearings shall be conducted in accordance with 902 KAR 1:400.~~] The requesting authority shall be notified of the date, time, and location of the hearing within ten (10) working days of the receipt of the request, and at least five (5) working days prior to the date of the hearing.

(5)[~~(4)~~] The hearing officer shall[~~may~~] recommend that the[~~a~~] variance be granted or denied, and may recommend that legal action be pursued.

(6)[~~(5)~~] A variance shall[~~may~~] only be granted upon written determination that the granting thereof will not endanger the health of those confined in the facility or the public health. Any variance so granted may be with or without stipulations or restrictions.

Section 17. Incorporation by Reference. (1) DFS-316, "Correctional Facilities Inspection Form", 10/18, is incorporated by

reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Environmental Management Branch, Division of Public Health Protection and Safety, Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

JEFFREY D. HOWARD, JR., M.D., Commissioner
ADAM M. MEIER, Secretary

APPROVED BY AGENCY: May 9, 2019

FILED WITH LRC: May 14, 2019 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on June 24, 2019, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 2019, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-6746; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Agency Contacts: Julie Brooks, (502) 564-3970, julied.brooks@ky.gov; or Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes uniform standards of institutional sanitation to safeguard the health of persons confined in state confinement facilities, by providing for the opportunity to pursue adequate personal hygiene for health maintenance, control of the prevalence and spread of disease, and maintenance of sanitary living conditions.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to protect the health and safety of individuals confined in a state confinement facility.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 211.925 authorizes the cabinet to promulgate administrative regulations and standards relating to the public health or health aspects of the operation of state confinement facilities.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in protecting the health and safety of individuals confined in a state confinement facility by establishing uniform sanitation requirements.

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

(a) How the amendment will change this existing administrative regulation: This amendment updates applicable cross references to Kentucky Revised Statutes (KRS) and Kentucky Administrative Regulations (KAR), and removes outdated cross references to KRS or KAR that have been repealed or renumbered; adds the requirement that a state confinement facility provide adequate space to allow for the medical examination of inmates; updates the correct citation for enforcement hearing procedures; incorporates by reference the confinement facility inspection form; and makes other changes necessary to comply with KRS Chapter 13A drafting requirements.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure state confinement facilities are meeting applicable plumbing, sewage, and waste removal administrative regulations to provide a safe and sanitary environment; to provide a mechanism to help protect the health of the inmate; and to ensure state confinement facility staff are aware of the inspection process.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment assists in protecting the health aspects of the operation of a state confinement facility as required by KRS 211.925.

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists in protecting the health aspects of the operation of a state confinement facility by updating references to applicable administrative regulations for plumbing, sewage, and sanitation, and providing adequate space for a medical examination in the facility.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects twenty-nine (29) regulated facilities in the Commonwealth, and all inmates housed in these facilities.

(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 questions (3) will have to take to comply with this administrative regulation or amendment: State confinement facilities will need to ensure space is available for medical examinations of inmates. Facility staff will need to be aware of the plumbing, sewage, and sanitation requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): State confinement facilities that do not currently have adequate space available for the required medical examinations may incur an expense related to any modifications necessary. A state confinement facility that is not currently connected to a public water supply may incur the expense of connections if a public water supply becomes available.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): State confinement facilities will be able to complete medical examinations of an inmate at the facility. This will reduce the need to transport an inmate out of the facility for an examination. Inmates will have access to medical care in the facility. The state confinement facility will operate in a safe and sanitary manner, which will protect the health of inmates and facility staff.

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

(a) Initially: There are no additional costs initially.

(b) On a continuing basis: There are no additional costs on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency and state general fund dollars are used to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change, if it is an amendment: There is no increase in fees or funding necessary for this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. There are no fees associated with this administrative regulation.

(9) TIERING: Is tiering applied? Tiering is not applied. This administrative regulation affects all entities equally.

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 Environmental Management Branch in the Department for Public Health and local health department environmental management inspectors will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050, 211.925, and 211.935.

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? This administrative regulation will not generate revenue.

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

(c) How much will it cost to administer this program for the first year? No additional administrative costs will be incurred.

(d) How much will it cost to administer this program for subsequent years? No additional administrative costs will be incurred.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

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

902 KAR 45:110. Permits and fees for retail food establishments, food manufacturing plants, food storage warehouses, salvage processors and distributors, vending machine companies,[~~and~~] restricted food concessions, and cosmetic manufacturers.

RELATES TO: KRS 217.015, 217.025, 217.035, 217.037, 217.085, 217.095, 217.125, 217.155, 217.811

STATUTORY AUTHORITY: KRS 217.125(1), (2), (4), 217.811

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217.125(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations for the efficient administration and enforcement of the Kentucky Food, Drug and Cosmetic Act. KRS 217.125(2) and (4) requires the secretary[~~of the Cabinet for Health and Family Services~~] to provide by administrative regulation a schedule of reasonable fees to be paid by food manufacturing plants, food storage warehouses, retail food establishments, salvage distributors, salvage processing plants, and restricted food concessions for permits to operate and for inspection activities carried out by the Cabinet for Health and Family Services. KRS 217.811 requires the cabinet to provide by administrative regulation a schedule of fees for operating a vending machine company. This administrative regulation establishes the schedule of fees.

Section 1. Fees. (1) A permit fee shall be required for inspections conducted by the cabinet or the local health department to determine compliance with:

(a) 902 KAR 45:080 for a salvage distributor or a salvage processing plant;[~~or~~]

(b) KRS 217.025, 217.035, and 217.037 for a food manufacturing plant or food storage warehouse; or

(c) KRS 217.085 and 217.095 for a cosmetic manufacturer.

(2) A fee for the inspection of a food manufacturing plant or food storage warehouse[~~an establishment identified in subsection (1)(a) or (b) of this section~~] shall be assessed according to the highest risk level of commodity manufactured:

1. High risk plant - $2,400;

2. Medium risk plant - $1,350; or

3. Low risk plant - $750.

(3) A fee for the inspection of a cosmetic manufacturer shall be $750.

(4)[~~total square footage of the establishment:~~

~~(a) Zero - 1,000 square feet - $120;~~

~~(b) 1,001 - 5,000 square feet - $160;~~

~~(c) 5,001 – 20,000 square feet - $200;~~

~~(d) 20,001 – 40,000 square feet - $300;~~

~~(e) 40,001 – 80,000 square feet - $400;~~

~~(f) 80,001 – 150,000 square feet - $500; or~~

~~(g) 150,001 or more square feet - $600.~~

~~(3)~~] A fee shall be assessed for inspection of a retail food store and food service establishment conducted by the cabinet or local health department to determine compliance with the provisions of KRS 217.025, 217.035, 217.037, and 217.125(2) pertaining to:

(a) Adulteration;

(b) Misbranding;

(c) Packaging; or

(d) Labeling of food products.

(5) A fee shall be assessed for inspection of a food service establishment conducted by the cabinet or local health department to determine compliance with the provisions of 902 KAR 45:005.

(6) The[~~(4) A~~] fee for the inspection of a retail food store and a food service establishment shall be assessed according to the schedule below:

Category	Type of retail food store or food service establishment	Fee per year
Category 1	Push carts; limited food concessions; establishments that prepare only non-time/temperature control for safety (TCS) foods; coffee shops with no TCS foods; mobile retail food store; bars with no food service; retail food store with no TCS foods	$300
Category 2	Schools; day cares; food trucks; retail food store with prepackaged TCS foods; food service operations with most food products prepared, cooked, and served immediately; coffee shops with TCS foods	$600
Category 3	Bars with food service; full service restaurants; buffets; caterer; retail food store with deli; retail food store with salad bar; extensive menu handling of raw ingredients; complex preparation of cooking, cooling, and reheating for hot holding, involves many TCS foods	$750
Category 4	Hospitals; nursing homes; assisted living; establishments that have a special process	$850

(7)[~~total square footage of the establishment:~~

~~(a) Zero - 1,000 square feet – seventy-five (75) dollars;~~

~~(b) 1,001 - 10,000 square feet - $125;~~

~~(c) 10,001 - 20,000 square feet - $175;~~

~~(d) 20,001 - 30,000 square feet - $200; or~~

~~(e) 30,001 or more square feet - $300.~~

~~(5) An application for a permit to operate a mobile retail food store shall be accompanied by an annual fee of fifty (50) dollars.~~

~~(6)~~] An application for a permit to operate a vending machine company shall be accompanied by the annual permit fee of $300 plus a fee for the total number of vending machines operated by the applicant:

(a) One (1) - twenty-five (25) machines - $150;

(b) Twenty-six (26) - fifty (50) machines - $175;

(c) Fifty-one (51) - 100 machines - $200;

(d) 101 - 150 machines - $225; and

(e) 151 and over machines - $300.

(8)[~~the annual fee required by KRS 217.811.~~

~~(7) An application for a permit to operate a permanent food service establishment shall be accompanied by an annual fee of~~

~~$100, plus the following fee if applicable~~:

~~(a) Fee for the number of seats:~~

~~1. One (1) to twenty-five (25) seats - sixty (60) dollars;~~

~~2. Twenty-six (26) to fifty (50) seats - $100;~~

~~3. Fifty-one (51) to 100 seats - $125;~~

~~4. 101 to 200 seats - $150; or~~

~~5. 201 or more seats - $175~~;

~~(b) Drive-through window - $125; and~~

~~(c) Catering operation - $110.~~

~~(8) An application for a permit to operate a statewide mobile food unit shall be accompanied by an annual fee of $160.~~

~~(9)~~] An application for a permit to operate a temporary food service establishment shall be accompanied by a fee according to the length of the event:

(a) One (1) to three (3) day event – fifty (50) dollars;

(b) Four (4) to seven (7) day event – seventy-five (75) dollars; or

(c) Eight (8) to fourteen (14) day event - $100.

(9) An application for a permit to operate a farmer's market temporary food service establishment shall be accompanied by a fee of $100.

(10)[~~An application for a permit to operate a restricted food concession or mobile restricted food concession shall be accompanied by an annual fee of $100.~~

~~(11)~~] A request for a certificate of free sale or export authorizing a Kentucky food manufacturing plant holding a valid permit to operate to export a product outside of the United States shall be accompanied by a service fee of fifty (50)[~~ten (10)~~] dollars for each certificate requested.

Section 2. Payment of Fees. (1) Fees shall be made payable to the local health department having jurisdiction by a:

(a) Retail food store;

(b) Mobile retail food store;

(c) Vending machine company[~~and commissary~~];

(d) Statewide mobile food unit;

(e) Temporary food establishment;

(f) Salvage[~~Savage~~] distributor;

(g) Restricted food concession; or

(h) Food service establishment.

(2) Fees shall be made payable to the Kentucky State Treasurer and forwarded to the Kentucky Department for Public Health, Food Safety Branch by a:

(a) Food manufacturing plant;

(b) Salvage processing plant;

(c) Food storage warehouse;[~~or~~]

(d) Food manufacturing plant requesting a certificate for free sale or export, or

(e) Cosmetic manufacturer.

JEFFREY D. HOWARD, JR., M.D., Commissioner
ADAM M. MEIER, Secretary

APPROVED BY AGENCY: May 9, 2019

FILED WITH LRC: May 14, 2019 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on June 24, 2019, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 2019, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-6746; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Agency Contact: Julie Brooks: (502) 564-3970, julied.brooks@ky.gov; or Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the amount of the fees paid by retail food establishments, food manufacturing plants, food storage warehouses, cosmetic manufacturers, salvage processors and distributors, vending machine companies, restricted food concessions, and requests for certificates for free sale.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the fee structure to help support the department costs for permitting and inspecting food manufacturing plants, food storage warehouses, cosmetic manufacturers, retail food establishments, salvage distributors, salvage processing plants, vending machine companies, and restricted food concessions.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 217.125 allows the secretary to promulgate regulations to establish a fee schedule for food processing establishments, food storage warehouses, salvage distributors, salvage processing plants, farmer's market temporary food service establishments, temporary food service establishments and retail food establishments. KRS 217.155 authorizes the cabinet or its agents to inspect any factory, warehouse, or establishment in which cosmetics are manufactured. KRS 217.811 allows the secretary to establish a fee schedule for operating a vending machine company. This regulation outlines the schedule of fees to be paid for permit and inspection.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist with addressing the cost to administer food permitting and inspection programs.

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

(a) How the amendment will change this existing administrative regulation: This amendment establishes the reasonable fees for permitting and inspection of food manufacturing plants, food storage warehouses, retail food stores, and all food service establishments. The risk level of a food manufacturing plant is based on the types of food being manufactured or stored. A high risk plant requires more time for inspection. The category level of a food service establishment is based on the 2013 FDA Food Code risk category level. The category level of a food service establishment is based on the types of food served, the food preparation processes used, the volume of food, and the population served. Food service establishments serving low risk category foods will require less time for inspection when compared to those establishments servicing more high risk foods. This change in the schedule of fees is consistent with surrounding states. This amendment adds a fee for the inspection of a cosmetic manufacturer to determine compliance with KRS 217.085 and 217.095. In addition, this amendment adds the fees for vending machine companies to this administrative regulation.

(b) The necessity of the amendment to this administrative regulation: House Bill 327 enacted during the 2018 legislative session removed the permitting and inspection fees for regulated entities covered under this administrative regulation. This amendment is necessary to establish the fee structure for entities permitted and inspected by the food safety program.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 217.125 authorizes the secretary to promulgate regulations for the efficient administration and enforcement of KRS 217.005 to 217.215 and to establish the fee structure for operating a food processing establishment, food storage warehouse, retail food establishment, and any temporary food

service establishment. This amendment establishes the fee structure for food processing plants, storage warehouses, and all food service establishments, and adds a fee for the inspection of a cosmetic manufacturer. KRS 217.811 authorizes the secretary of the cabinet to promulgate administrative regulations to establish a fee for each application for permit to operate a vending machine company.

(d) How the amendment will assist in the effective administration of the statutes: This amendment revises the fee structure for all regulated entities to help offset the cabinet's cost to implement the inspection and permitting programs required by statute.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 21,000 food establishments are regulated under this administrative regulation. There are 100 vending machine companies registered with the department. Seventy-seven (77) cosmetic manufacturers will also be affected by this amendment.

(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 questions (3) will have to take to comply with this administrative regulation or amendment: All permitted food manufacturing plants, storage warehouses and service establishments, including retail food stores, will pay a fee based on the identified risk category level associated with the type of food being manufactured, stored, or prepared and served by the establishment. Vending machine companies will pay an increased fee for permitting. Cosmetic manufacturers are required to manufacture products in a commercial kitchen and the Food Safety Branch staff are responsible for inspecting all commercial kitchens.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): It is difficult to determine how much costs food service establishments will incur as a result of this amendment. The proposed fee schedule is based on identified risk category level of the establishment. The current fee schedule is based on the number of seats in the establishment as well as if there is a drive-through window. Cosmetic manufacturers will now be required to pay a $750 fee for inspection.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All food manufacturing plants, food service establishments, and cosmetic manufacturers are required to be inspected and permitted by the cabinet. The fees paid for inspection and permitting help to ensure food manufacturing plants, food service establishments and cosmetic manufacturers are in compliance with federal and state laws. Food manufacturing and food service establishments with a higher risk category level will be inspected at a high frequency as they have the greatest food safety risk.

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

(a) Initially: There are no additional costs initially.

(b) On a continuing basis: There are no additional costs on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds and revenue received from permitting and inspection fees continue to be used to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change, if it is an amendment: This amendment does result in an increase in fees paid by food manufacturing plants, food service establishments, and vending machine companies. The fee assessed on cosmetic manufacturers is new to this administrative regulation. There is no increase in funding necessary for this regulation.

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

This amendment does increase the fees associated with operating a permitted food service establishment, food manufacturing plant or storage facility, a retail food store, a statewide mobile food unit, a restricted concession, and a mobile retail food store. The administrative cost to the cabinet is approximately $150 per hour for inspectors of the listed food services establishments. This cost includes the salary of the inspector, fiscal year 2018 Kentucky Employee Retirement System (KERS) and Federal Insurance Contributions Act (FICA) contributions, and health and life insurance cost.

The risk level of a food manufacturing plant or food storage facility has an impact on the length of time required to conduct an inspection as well as the number of inspections completed per year. The table below outlines the risk level of the food manufacturing facility, the hours per inspection, the number of firms inspected each year, and the proposed fee.

	Risk Level 1 – Plants engaged in international, interstate, statewide or regional disposition of time/temperature controlled, processed ready-to-eat specialized process	Risk Level 2 – Plants that process food products that are ready-to-eat or potentially hazardous but not both	Risk Level 3 – Grain elevators, milling and malting plants, coffee and tea plants, food warehouses, and cosmetic manufacturers*
Avg. Hourly Rate*	$150	$150	$150
Inspection hours**	55	9	5
Inspections per year	211 firms per year	176 firms per year	149 firms per year
Proposed fee	$2400	$1350	$750
Actual Expenditure	$8250	$1350	$750

*The inspection of a commercial kitchen for a cosmetic manufacturer is equivalent to inspection process for a low risk food manufacturer.

The risk category level of a food service establishment or retail food stores has an impact on the length of time required to conduct an inspection as well as the number of inspections required per year. Food service establishments with more complex food preparations, such as full service restaurants (category level 3), and those engaged in special processes, such as hospitals serving a highly susceptible population (category level 4), require more frequent inspections throughout the year. Retail food stores that do not prepare foods would be a category level 1. The table below outlines the time required for inspection, number of inspections per year excluding re-inspection or enforcement action follow-up activities, the proposed fee and the actual expenditure of the cabinet.

	Category Level 1 – Bars with no Food Service	Category Level 2 – Cook/Serve or Less	Category Level 3 – Complex Cools/Reheats, etc	Category Level 4 – Special Processes
Avg. Hourly Rate*	$150	$150	$150	$150
Inspection hours**	2	2.5	3.5	4.5
Inspections per year	1	2	2	3
Proposed fee	$300	$600	$750	$850
Actual expenditure	$300	$750	$1050	$2025

A statewide mobile food unit requires two (2) inspections per year and these inspections take one and one half hours to complete.

The proposed fee is $300 and the cost to the cabinet is $450.
A mobile retail food store and a restricted concession operation require one (1) inspection per year and these inspections take two (2) hour to complete. The proposed fee of $300 is equal to the cost to the cabinet.
The permitting fee for a vending machine company has been increased but the schedule of fees for the number of vending machines is consistent with pervious fee schedule in KRS 217.811.

(9) TIERING: Is tiering applied? Tiering is applied. The fee structure for food manufacturing plants and storage warehouses is based on the risk level of the foods produced or stored. The fee structure for food service establishments and retail food stores is based on the risk level of the food preparations. Vending machine companies with fewer vending machines pay a lesser permit fee.

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? This amendment impacts the Department for Public Health, Division of Public Health Protection and Safety, Food Safety Branch, and all local health departments.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 217.125 and KRS 217.811.

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 change in fee structure will generate an estimated $879,970 from food manufacturing plants and storage warehouses, and $225,000 from all other regulated entities in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The change in fee structure will continue to generate an estimated $879,970 from food manufacturing plants and storage warehouses, and $225,000 from all other regulated entities in the first year.

(c) How much will it cost to administer this program for the first year? The current cost to administer all programs under the Food Safety Branch within the Division of Public Health Protection and Safety is $5,524,622.00. There is no anticipated increase in costs to administer permitting and inspection of food manufacturing plants, food storage warehouses, food service establishments, retail food stores, cosmetic manufacturers, and vending machine companies this first year.

(d) How much will it cost to administer this program for subsequent years? There will be no change in program cost.

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

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

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

902 KAR 45:120. Inspection and permit fees for[~~: hotels, manufactured or mobile home communities,~~] recreational vehicle communities, youth camps, and private water supplies.

RELATES TO: KRS 194A.050, 211.180, 211.345[~~219.021, 219.041~~], 219.340, 219.350, 219.991(2)[~~219.390~~]

STATUTORY AUTHORITY: KRS 194A.050(3)[~~(1)~~], 211.180(2), 211.345[~~219.041(1)~~], 219.340(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(3)[~~(1),~~] and 211.180(2)[~~, and 219.041(1)~~] authorize the Secretary for the Cabinet for Health and Family Services to establish by administrative regulation a schedule of reasonable fees to be paid by [~~hotels, manufactured or mobile home communities,~~] recreational vehicle communities and[~~,~~] youth camps[~~, and private water supplies~~] to cover the cost of permitting and inspection [~~and sampling~~] activities carried out by the cabinet. KRS 211.345 authorizes the cabinet to establish a program for the sampling of private water supplies[~~for Health and Family Services~~]. This administrative regulation establishes the permit and inspection fees to be charged to [~~hotels, manufactured or mobile home communities,~~] recreational vehicle communities, youth camps, and for the sampling of private water supplies.

Section 1. Youth camps[~~Fees for Inspections~~]. An annual fee shall be assessed for an inspection conducted by the cabinet or its representative of a[~~hotel, manufactured or mobile home community, recreational vehicle community, or~~] youth camp[~~, or for sampling of a private water supply~~] according to the following schedule:

(1)[~~A hotel with:~~
~~(a) One (1) to twenty-five (25) rooms – $100;~~
~~(b) Twenty-six (26) to fifty (50) rooms - $125;~~
~~(c) Fifty-one (51) to 100 rooms - $150;~~
~~(d) 101 to 200 rooms - $175;~~
~~(e) 201 to 300 rooms - $200;~~
~~(f) 301 to 400 rooms – $225; or~~
~~(g) 401 or more rooms - $250;~~
~~(2) Youth camps:~~
~~(a)~~] Day youth camp - seventy-five (75) dollars;
(2)[~~; (b)~~] Primitive youth camp - fifty (50) dollars; or
(3)[~~; or (c)~~] Residential youth camp with:
(a) Twenty (20) beds or fewer[~~1. One (1) to twenty (20) beds~~] – seventy-five (75) dollars;
(b)[~~2.~~] Twenty-one (21) to fifty (50) beds - $100; or
(c)[~~3.~~] Fifty-one (51) or more beds - $125[~~;~~
~~(3) A manufactured or mobile home community or recreational vehicle community – seventy-five (75) dollars; or~~
~~(4) Sampling of private water supply – fifty (50) dollars~~].

Section 2. Permit and Inspection Fees for[~~Hotels and Manufactured or Mobile Home Communities and~~] Recreational Vehicle Communities. (1) An application for an annual permit to operate a recreational vehicle community[~~hotel~~] shall be accompanied by a fee of $150[~~twenty-five (25) dollars~~].

(2) The fee for an annual inspection of[~~permit to operate~~] a[~~manufactured or mobile home park, or~~] recreational vehicle community[~~park~~] shall depend on the number of spaces in the community[~~park~~] as set forth in the following schedule:
(a) Two (2)[~~One (1)~~] to ten (10) spaces - $150[~~fifty (50) dollars~~];
(b) Eleven (11) to fifty (50) spaces - $225[~~$150~~];
(c) Fifty-one (51) to 100 spaces - $300[~~$160~~];
(d) 101 to 200 spaces - $375[~~$170~~]; or
(e) 201 or more spaces - $450[~~$180~~].

(3) An application for a permit to construct or alter a[~~manufactured or mobile home community or~~] recreational vehicle community shall be accompanied by a fee of seventy (70)[~~sixty (60)~~] dollars.

Section 3. Private Water Supply Sampling. The fee for the sampling of a private water supply shall be fifty (50) dollars.

Section 4. Payment of Fees. Fees shall be paid to the local health department having jurisdiction. Fees received by local health departments shall be deposited in the Kentucky State Treasury. Inspection fees shall be submitted with the application for a permit to operate.

Section 5[4]. Exemptions. (1) A facility operated by the Cabinet for Health and Family Services or the Justice and Public Safety

Cabinet shall be exempt from the payment of inspection fees.

(2) If a local health department samples a private water supply as part of an investigation of illness, the sample shall be taken without charging a fee.

JEFFREY D. HOWARD, JR., M.D., Commissioner
ADAM M. MEIER, Secretary

APPROVED BY AGENCY: May 6, 2019

FILED WITH LRC: May 14, 2019 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on June 24, 2019, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 2019, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-6746; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Agency Contact: Julie Brooks: (502) 564-3970, julied.brooks@ky.gov; or Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the fee structure for permitting and inspecting recreational vehicle communities, youth camps, and the sampling of private water supplies.

(b) The necessity of this administrative regulation: This administrative regulation allows the cabinet to assess a fee for permitting and inspecting recreational vehicle communities, youth camps, and for sampling of private water supplies to help offset the cost to the cabinet.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 194A.050 (3), 211.180(2) and 219.340 authorize the cabinet to promulgate administrative regulations to establish a schedule of fees not to exceed the administrative costs to the cabinet for the issuance of a permit to operate a youth camp, and a recreational vehicle community. KRS 211.345 authorizes the cabinet to establish a program for the sampling of private water supplies.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assist the cabinet in recouping costs associated with permitting and inspecting recreational vehicle communities, youth camps, and private water supplies.

(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 removes the permit and inspection fees for hotels as those fees have been added to 902 KAR 7:010, and removes the permit and inspection fees for manufactured or mobile home communities as those fees have been added to 902 KAR 15:010. This amendment also adjusts the fee schedule for permitting and inspecting a recreational vehicle community to be consistent with the changes made in the fee structure for manufactured or mobile home communities.

(b) The necessity of the amendment to this administrative regulation: House Bill 327 removed the permitting and inspection fee structure for hotels and motels from KRS 219.021 and for manufactured and mobile home communities from KRS 219.340. Adding the fee structure for permitting and inspecting hotels and motels to 902 KAR 7:010, and manufactured or mobile home communities to 902 KAR 15:010 made it necessary to amend this administrative regulation. The increase in the fee structure for permitting and inspection of recreational vehicle communities is necessary to help offset the administrative costs to the cabinet.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 219.340 authorizes the secretary to promulgate regulations to establish the fee structure for permitting and inspecting a recreational vehicle community that does not exceed the costs to the cabinet.

(d) How the amendment will assist in the effective administration of the statutes: This amendment removes information related to permitting and inspecting a hotel or motel, and manufactured or mobile home community. This will help to avoid conflicting information between the statute and program regulations. The change in the fee structure for permitting and inspecting a recreational vehicle community will help to offset cabinet costs associated with implementing the provisions of KRS 219.340.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will impact 223 recreational vehicle communities in the Commonwealth. In addition, this administrative regulation will impact 120 local health departments and sixty-one (61) district health departments.

(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 questions (3) will have to take to comply with this administrative regulation or amendment: Hotel and motel owners will need to be aware that the fee structure removed from this regulation has been reestablished in 902 KAR 7:010 to ensure they provide the correct fee associated with permit renewal and inspection. Manufactured and mobile home community owners will also need to be aware of the changes in the fee structure established in 902 KAR 15:010. Recreational vehicle community owners will need to be aware of the changes in fee structure in this administrative regulation. Local and district health departments will need to be aware of the changes in the fee structure to ensure they are collecting the correct amounts.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): The annual inspection fee for a recreational vehicle community will cost each community owner an additional seventy-five (75) dollars each year. The annual permit to operate a recreational vehicle community will increase between $100 and $270 depending on the number of spaces in the community. The fee required for plan review is increased by ten (10) dollars. There is no anticipated costs for the local or district health departments.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Current owners of a hotel or motel, or a manufactured or mobile home community will only have to reference one (1) administrative regulation for all information regarding operating such a facility.

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

(a) Initially: This is an ongoing program, there will be no additional costs for implementation.

(b) On a continuing basis: This is an ongoing program, there will no additional ongoing costs associated with implementation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds and revenue received from permitting and inspecting recreational vehicle communities, youth camps, and private water supplies are the sources of funding for 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 amendment increases the fees for permitting and inspecting a recreational vehicle community to the maximum amount previously allowed by statute. The fee structure for a hotel or motel, and manufactured or mobile home community being removed from this administrative regulation has been incorporated into the applicable administrative regulations.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. This administrative regulation does increase the fee structure for permitting and inspecting a recreational vehicle community. The administrative cost to the cabinet is approximately $150 per hour for environmental management inspectors. This cost includes the salary of the inspector, fiscal year 2018 Kentucky Employee Retirement System (KERS) and Federal Insurance Contributions Act (FICA) contributions, and health and life insurance cost.

The number of spaces in the recreational vehicle community has an impact on the length of time required to conduct an inspection. The table below outlines the proposed changes in the fee structure for recreational vehicle communities.

Inspection fee	10 or less spaces	11 to 50 spaces	51 to 100 spaces	101 to 200 spaces	More than 200 spaces
Avg. Hourly Rate (including FY-18 KERS, FICA, health & life, indirect)	$150	$150	$150	$150	$150
Number of hours/inspection including travel	2	3	4	5	6
Minimum number of routine inspections/year.	1	1	1	1	1
Current Permit Fee	$75	$75	$75	$75	$75
Current Inspection Fee	$50	$150	$160	$170	$180
Current total from permitting and inspection fee	$125	$225	$235	$245	$255
Proposed Permit Fee	$150	$150	$150	$150	$150
Proposed Inspection Fee	$150	$225	$300	$375	$400
Number of permitted facilities	43	97	47	29	7
Proposed fee total	$12,900	$36,375	$21,150	$15,225	$3,850
Actual expenditure	$12,900	$43,650	$28,200	$21,750	$6,300

The hours required for inspection does not include travel time to and from the manufactured or mobile home community. The inspection fee is based on routine inspection only. It does not include the costs associated with doing follow-up inspections for the correction of identified noncompliance or for complaint investigations. On average one (1) re-inspection is required for every twenty (20) inspections due to identified noncompliance issues.

(9) TIERING: Is tiering applied? Tiering is applied. A youth camp program will pay a fee based on the type of camp offered and the number of beds associated with a residential youth camp. The permit fee structure for a recreational vehicle community is dependent on the number of spaces in the community.

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? This administrative regulation will impact the Environmental Management Branch within the Department for Public Health as well as local, district and independent health departments throughout the Commonwealth.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(3), 211.180(2), 211.345, and 219.340(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? The changes in permitting and inspection fees for recreational vehicle communities will generate approximately $89,500 in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The changes in permitting and inspection fees will continue to generate approximately $89,500 in subsequent years.

(c) How much will it cost to administer this program for the first year? The current cost for permitting and inspecting recreations vehicle communities is $112,800. There is no anticipated increase in costs in the first year.

(d) How much will it cost to administer this program for subsequent years? There is not anticipated increase in costs to administer in subsequent years.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Aging and Independent Living
Division of Guardianship
(Amendment)

910 KAR 2:040. Service provisions for adult guardianship.

RELATES TO: KRS 17.500 - 17.540, 202A, 202B, 209.990, 210.290(3), (4), 311.6225, 367.97501, 367.97524, 367.97527, 387.500-387.990, 389A.010, 389.015, 20 C.F.R. 416.212, 42 U.S.C. 1382(e)(1)(G)

STATUTORY AUTHORITY: KRS 194A.050(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the cabinet to promulgate administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the commonwealth. This administrative regulation establishes service provisions for adult guardianship.

Section 1. Definitions. (1)[~~"Adult" is defined by KRS 209.020(4).~~

~~(2)~~] "Best interest" means a course of action that maximizes what is best for a ward and that includes consideration of the least intrusive, most normalizing, and least restrictive course of action possible given the needs of a ward.

(2) "Comorbid condition" means the presence of one (1) or more additional disorders or diseases co-occurring with a primary disease or disorder, or the effect of an additional disorder or disease.

(3) "Conservator" is defined by KRS 387.510(1).

(4) "Court" means a court of competent jurisdiction.

(5)["DBHDID" means the Department for Behavioral Health, Developmental and Intellectual Disabilities.

(6) "Department" or] "DAIL" means the Department for Aging and Independent Living.

(6)[(7)] "Division" means the Division of Guardianship.

(7)[(8) "Fiduciary Services Branch" means a central office branch under the Division of Operations and Support.

(9) "Field Services Branch" means a central office branch under the Division of Guardianship.

(10)] "Guardian" is defined by KRS 387.510(3).

(8)[(11)] "Guardian ad Litem" means an attorney[a guardian] appointed to represent the interests of a person with respect to a single action in litigation pursuant to KRS 387.305.

(9)[(12) "Guardianship advisory committee" means a review panel of at least two (2) cabinet medical directors to review records to assist in decision making regarding end of life decisions.

(13)] "Informed consent" means a person's agreement to a particular course of action based on a full disclosure of facts needed to make the decision intelligently.

(10)[(14)] "Interested party" means interested parties as[is] defined by KRS 387.860(5).

(11)[(15)] "Least restrictive alternative[alternatives]" means an alternative to[the] guardianship that shall be[options that have been] exhausted prior to becoming eligible for state appointment, including[such as]:

(a) Power of attorney;

(b) Living wills;

(c) Advance[Advanced] directives;

(d) Case management;

(e) Representative payee;

(f) Curator;

(g) Trustee;

(h) Health care surrogate;

(i) Ex-parte order;

(j) Emergency protective services;

(k) Adult protective ongoing services;[or]

(l) Informal network of support; or

(m) Supported decision making.

(12)[(16)] "Limited conservator" is defined by KRS 387.510(2).

(13)[(17)] "Limited guardian" is defined by KRS 387.510(4).

(14)[(18)] "Nurse consultant" means a nurse consultant[,] inspector employed by the Cabinet for Health and Family Services.

(15)[(19)] "Provider" means a facility or entity providing services for a ward such as:

(a) Self;

(b) Caretaker;

(c) Relative;

(d) Group home placement;

(e) Hospital;

(f) Psychiatric hospital;

(g) Personal care home; or

(h) Medicaid waivers[Supports for Community Living facility].

(16)[(20)] "Quitclaim[Quit claim] Deed" means a document by which an individual disclaims an interest in a piece of real property and passes that claim to another person.

(17)[(21)] "Substituted judgment" means a principle of decision-making made by the division that[Field Services Branch which] comports with the individual ward or beneficiary's known wishes expressed prior to the appointment of a guardian, if the individual was once capable of developing views relevant to the matter at issue and reliable evidence of these views remains.

(18)[(22)] "Successor guardian" means an individual, agency, or corporation who is appointed to succeed a current guardian removed by the court.

(19) "Terminal condition" is defined by KRS 311.621(17).

(20)[(23)] "Ward" is defined by KRS 387.510(15).

Section 2. Annual Court Report. (1) Within thirty (30) calendar days of the anniversary date of the guardianship appointment, the division[Field Services Branch] shall submit to the court an annual report on the ward's personal status.

(2) In order to complete the annual report, the division[Field Services Branch] shall:

(a) Report the[Visit the ward and use an Initial Field Visit Report to assess] current physical condition and needs;

(b) Review the ward's records[at the ward's place of residence];

(c) Consult with the provider concerning the ward's care; and

(d) Verify the names, addresses, and telephone numbers of the ward's relatives, if known[; and

(e) Verify with Fiduciary Services Branch the ward's burial arrangements in accordance with 910 KAR 2:030, Section 12].

(3) The division[Field Services Branch] shall:

(a) Review, sign, and notarize an annual report; and

(b) Maintain a scheduling system that ensures the timely filing of annual reports in court for each guardianship ward.

Section 3. Renewal of Limited Appointments. (1) A limited guardian or limited conservator shall not be appointed for more than five (5) years pursuant to KRS 387.590(7).

(2) The division[Field Services Branch] shall be responsible for initiating procedures for continued guardianship or conservatorship, if appropriate.

(3) To make this determination, the division[Field Services Branch] shall review the last annual court report to determine if continued guardianship was recommended.

(4) The division[Field Services Branch] shall secure a verified affidavit from a physician, psychiatrist, or social worker, not serving in the division, verifying the[ward's] petition to continue guardianship if required by the court.

(5) At least sixty (60) calendar days prior to the date of the expiration of the limited guardianship, the division[Field Services Branch] shall file with the court the following:

(a) Petition for Relief Modification or Termination (AOC-795) issued by the Administrative Office of the Courts and available at https://courts.ky.gov/resources/legalforms/LegalForms/795.pdf; and [www.courts.ky.gov;]

(b)[Application for Appointment for Fiduciary (AOC-745) issued by the Administrative Office of the Courts and available at www.courts.ky.gov; and

(c)] A verified affidavit as specified in subsection (4) of this section, if required.

(6) If the request for modification involves the removal of additional rights, the division[Field Services Branch] shall request a bench or jury trial.

(7) If required by the court, the division[Field Services Branch] shall attend the renewal hearing and testify.

(8) Once a court order is issued, the division[Field Services Branch] shall obtain a copy of the court documents.

Section 4. Restoration,[or] Modification of Rights, or Successor Guardian or Conservator. (1) The division[Field Services Branch] shall inform the ward of the restoration or modification of rights process.

(2) If a ward requests the restoration of his or her rights, the division[Field Services Branch] shall assess and assist the ward's request.

(3) The division[Field Services Branch] shall assess[complete an assessment of] the ward for the following[using the Initial Field Visit Report that includes]:

(a) Community supports available to assist the ward;

(b) Less restrictive interventions that are available to the ward;

(c) Improvements in the ward's ability to manage personal or financial affairs;

(d) Risks and benefits of restoration or modification of rights; and

(e) A recommendation of what rights could be appropriately restored, including voting rights.

(4) If the assessment supports restoration or modification, the division[Field Services Branch] shall assist the ward in preparation

of the Petition for Relief Modification or Termination (AOC-795),[~~issued by the Administrative Office of the Courts and available at www.courts.ky.gov,~~] for submittal to the court.

(5) If the assessment does not support restoration or modification, the division[~~Field Services Branch~~] shall inform[~~advise~~] the ward or other interested party and advise[~~after the assessment is complete~~] that he or she may call or write the court to request restoration.

(6) If it is in the ward's best interest, the division[~~Field Services Branch~~] shall work with the ward towards the goal of restoration or modification by developing a plan and setting attainable and measurable goals.

(7) The division[~~Field Services Branch~~] shall involve community partners in formulating the plan to ensure focus on comprehensive services.

(8) The division[~~Field Services Branch~~] shall agree on a time frame for evaluating the ward's progress.

(9) If the ward has some or all rights restored, a successor is appointed, or the cabinet no longer serves in any capacity and the cabinet's appointment is modified, the division[~~Field Services Branch~~] shall:

(a) Obtain a copy of the[~~cabinet's~~] new court order[~~appointment~~];[~~and~~]

(b) Update KYGFIS by attaching the appointment papers to an event; and

(c) Update the appointment type in KYGFIS if partial restoration of rights were obtained by the ward[~~Email notification of the change to the Fiduciary Services Branch~~].

~~(10) If the ward's rights are restored and the cabinet no longer serves in any capacity, the Field Services Branch shall:~~

~~(a) Obtain a copy of the court order indicating restoration;~~

~~(b) Notify Fiduciary Services Branch by email of the resignation and the mailing address of the ward;~~

~~(c) Review the ward's records and hard copy file to determine if any original information or documentation should be sent to the Fiduciary Services Branch and, if so, forward the same to the Fiduciary Services Branch within ten (10) working days of the review;~~

~~(d) Inform the restored ward about procedures to apply for benefits; and~~

~~(e) Direct the restored ward to the Fiduciary Services Branch regarding additional financial questions.~~

~~Section 5. Securing Successor Guardian or Conservator. (1) The Field Services Branch shall advise or assist an interested party, if appropriate.~~

~~(2) The Field Services Branch shall discuss with the interested party:~~

~~(a) The possibility of he or she becoming guardian; and~~

~~(b) The following information:~~

~~1. Prior history and involvement of the interested party;~~

~~2. Willingness of the interested party to assist the ward; and~~

~~3. A criminal background check on the interested party with the county attorney.~~

~~(3) If the Field Services Branch determines the appointment of the interested party as successor guardian or conservator is in the best interest of the ward, the Field Services Branch shall assist the interested party with the completion and filing of:~~

~~(a) The Petition for Relief, Modification or Termination (AOC-795) issued by the Administrative Office of the Courts and available at www.courts.ky.gov; and~~

~~(b) An Application for Appointment for Fiduciary (AOC-745) issued by the Administrative Office of the Courts and available at www.courts.ky.gov, with the court.~~

~~(4) The Field Services Branch shall submit to the court a letter supporting appointment of the applicant for successor guardian or conservator.~~

~~(5) If the Field Services Branch does not agree that successor guardian or conservator appointment is in the best interest of the ward, the Field Services Branch shall:~~

~~(a) Advise the interested party that he or she may contact the court and make appropriate application; and~~

~~(b) Submit a letter to the court specifying the concerns regarding the application of appointment for successor guardian or conservator.~~

~~(6) The Field Services Branch shall be available to testify at the hearing to determine if a successor guardian or conservator is appointed by the court.~~

~~(7) If a successor guardian or conservator is appointed and the cabinet retains no responsibility, the Field Services Branch shall:~~

~~(a) Obtain a copy of the court order showing change in guardianship and verification that bond has been posted if surety has been ordered by the court;~~

~~(b) Notify Fiduciary Services Branch by email of the resignation;~~

~~(c) 1. review the ward's records and hard copy file to determine if any original information or documentation should be sent to Fiduciary Services Branch for submission to the successor guardian or conservator; and~~

~~2. If so, forward the information or documentation to the Fiduciary Services Branch within ten (10) working days of the review;~~

~~(d) Inform the successor guardian or conservator about procedures to apply for benefits; and~~

~~(e) Direct the successor guardian or conservator to the Fiduciary Services Branch regarding additional financial questions.~~

~~(8) If the successor guardian or conservator is appointed in some capacity and the cabinet retains some level of responsibility, the Field Services Branch shall:~~

~~(a) Obtain a copy of the court order showing the change in guardianship and verification that bond has been posted if surety was required by the court;~~

~~(b) Notify the Fiduciary Services Branch by email of the change in the cabinet's responsibility;~~

~~(c) Inform the successor guardian or conservator about procedures to apply for relevant benefits; and~~

~~(d) Direct the successor guardian or conservator to the Fiduciary Services Branch regarding financial questions~~].

Section 5[~~6~~]. Inappropriate Appointments. If an individual is appointed to the state guardianship program in any capacity and does not meet the requirements of KRS 210.290, the cabinet shall file an appeal.

Section 6. Sale of Real[~~of~~] Estate and Personal Property. (1) If a ward of the cabinet has real property, the DAIL[~~Field Services Branch and the Fiduciary Services Branch staff~~] shall explore options for management of property and determine what is in the best interest of the ward.

(2) Information concerning the property valuation for tax purposes, the real estate or personal property, or offers to purchase the ward's property shall only be disclosed for cabinet business purposes to the following authorized persons:

(a) Other staff employed by the cabinet's division such as:

1. Office of the Inspector General (OIG);

2. Office of Legal Services (OLS);

3. Ombudsman;

4. Adult Protective Services (APS); or

5. Child Protective Services (CPS);

(b) The insurance agent or claims representative of the insurance company that wrote the insurance policy on the property;

(c) The real estate agent or[~~and~~] attorney with an[~~a provider~~] agreement to manage property and legal matters for the service region; or

(d) The Guardian ad Litem appointed for the sale of the ward's property.

(3) In[~~If~~] disposing of the ward's assets, the DAIL[~~Field Services Branch~~] shall make a reasonable effort to preserve the estate as designated in the[~~a~~] ward's will or other estate planning device[~~devices~~] executed by the[~~a~~] ward prior to the finding of disability in accordance with KRS 387.700(1).

(4) The DAIL[~~Field Services Branch~~] shall review court appointment papers to ensure that the cabinet has the authority to handle real estate and personal property matters.

(5) If necessary, or if mandated by the court, the DAIL[~~Field Services Branch~~] shall secure a title search or an independent

appraisal of real and personal property.

(6) The DAIL[~~Field Services Branch~~] shall secure an attorney to handle the sale of property pursuant to KRS 389A.010 and 389A.015.

(7)(a) The DAIL[~~Field Services Branch~~] shall ensure the cabinet only passes title by means of a Quitclaim[~~Quit Claim~~] Deed on behalf of the ward.

(b) A Quitclaim[~~Quit Claim~~] Deed passes only the interest held by the ward.

(c) Warranties shall not be expressed in a Quitclaim[~~Quit Claim~~] Deed.

(8)[~~The Field Services Branch shall determine~~] If a relative or other interested party is interested in purchasing real property, they may purchase the[~~and, if so, offer the~~] property at fair market value as appraised by a realtor or licensed appraiser[~~to the relative or other interested party~~].

(9) If the division determines it is in the ward's best interest to sell real and personal property, a public forum for sale shall include a:

(a) Public auction;

(b) Dealer consignment;

(c) Yard sale; or

(d) Realtor.

(10) The DAIL[~~Field Services Branch~~] shall dispose of remaining items that did not sell, if applicable, through donation.

(11) The DAIL may[~~Field Services Branch shall~~] seek eviction through the court if a person residing in the ward's property:

(a) Refuses to vacate the property;

(b) Is not paying rent; or

(c) Is causing damage to the property.

(12) The DAIL[~~Field Services Branch~~] shall attend a closing on the ward's real property and shall sign documents such as a:

(a) Quitclaim[~~Quit Claim~~] Deed;

(b) Settlement Statement; or

(c) Tax form.

Section 7. Guardianship Ongoing Service Provision. (1) The division[~~Field Services Branch~~]:

(a) Shall have someone on call twenty-four (24) hours a day; and

(b) May have duties such as:

1. Managing assets, which[~~that~~] may include managing or liquidating real and personal property;

2. Providing[~~Securing and giving~~] consent for social services, medical services, and[~~living arrangements; or~~

~~3. Securing and granting permission for~~] other needed support services necessary for the well-being of the ward; or

3. Providing consent or denial for temporary or permanent living arrangements recommended and found by the case manager, family, service provider, discharge planner, or other interested person involved with the ward.

(2) Pursuant to KRS 387.640(1), the cabinet as guardian shall have the general duty to assure that the personal, civil, and human rights of the ward are preserved and protected.

(3) The division shall not:

(a) Assume physical custody of the ward;

(b) Become the caregiver or custodian of the ward;

(c) Be personally liable for the ward's expenses, placement, or actions; or

(d) Provide transportation of the ward in a state or personal vehicle, but may assist in arranging transportation through a third party willing to transport if the ward has funds available to cover the cost.

Section 8. Decision Making on Behalf of a Ward. (1) A decision made on behalf of a ward by the division[~~Field Services Branch~~]shall be based on the principles of:

(a) Informed consent;

(b) Substituted judgment;

(c) Best interest; or

(d) Least restrictive alternative.

(2) The division[~~Field Services Branch~~] shall use the following guidelines if making a decision on behalf of a ward:

(a) The exact request of the ward;

(b) Conditions identified necessitating action;

(c) Identify and determine alternatives that best meets the individual needs of the ward while placing the least restrictions on the ward's:

1. Freedom;

2. Rights; and

3. Ability to control the ward's own environment;

(d) Based on available information, determine whether the ward has previously stated preferences prior to the cabinet being made the ward's guardian;

(e) Communication of decisions with the ward;

(f) A determination of risks and benefits:

1. While balancing the ward's maximum self-determination; and

2. Maintaining the safety of the ward; and

(g) Directions from the court.

(3) The division[~~Field Services Branch~~] shall make each decision[~~by an informed decision~~] based on the principle of informed consent.

(4) The division[~~Field Services Branch~~] shall not use substituted judgment if:

(a) Following the ward's wishes causes substantial harm to the ward; or

(b) The division[~~Field Services Branch~~] is unable to establish the ward's prior wishes.

(5) The division[~~Field Services Branch~~] shall consider the least intrusive, best interest, and least restrictive alternative course of action possible to provide for the needs of the ward.

Section 9. Visiting the Ward[~~at the Current Residence~~]. (1) The division[~~Field Services Branch~~] shall visit the ward[~~at least every ninety (90) days with a minimum of two (2) visits being~~] in the home environment at least once annually unless the ward resides in another state that is not within 100 miles of the closest guardianship field office[~~to:~~

~~(a) Assess the suitability of the placement and ascertain a ward's needs;~~

~~(b) Consult with facility personnel regarding the cabinet's expectations; and~~

~~(c) Participate in the ward's care plan~~].

(2) If the visit identifies a concern about the health, safety, or welfare[~~Field Services Branch visits a facility and concerns are identified, and if the issue does not require intervention by regulatory or certifying agencies,~~] the division[~~Field Services Branch~~] shall:

(a) Report known or suspected incidents of abuse, neglect, or exploitation in accordance with KRS 209.030;

(b) Report immediately to the appropriate regulatory or certifying agency; or

(c) If the issue is not related to health, safety, or welfare, bring it to the attention of the provider's[~~facility's~~] administrator or designee[~~;~~] and[~~(b)~~] develop an agreement for corrective action with the provider's[~~facility~~] administrator.[~~(3) If the issue is a regulatory issue related to health or safety, the Field Services Branch shall report immediately to the appropriate regulatory or certifying agency such as:~~

~~(a) OIG;~~

~~(b) DBHDID; or~~

~~(c) The department.~~

~~(4) The Field Services Branch shall report known or suspected incidents of abuse, neglect, or exploitation to:~~

~~(a) The Department for Community Based Services (DCBS) office;~~

~~(b) The Division of Protection and Advocacy (P&A) if the Field Services Branch is aware the ward is a client of the P&A; or~~

~~(c) Other appropriate state agency.~~

~~(5) The designated Field Services Branch shall complete the following duties:~~

~~(a) Explain reporting requirements to the ward;~~

~~(b) Explain the investigative process of abuse, neglect, or exploitation that will ensue; and~~

~~(c) Offer the alleged victim appropriate assistance or referral as~~

~~specified in subsection (4) of this section.~~]

Section 10. Out of State Travel. (1) If a request is made for a ward to travel out of the state of Kentucky, the division[~~Field Services Branch~~] shall consider the following:

(a) Risk of or prior Absence Without Leave (AWOL);

(b) Medical issues of the ward that may require attention while out of state that shall be:

1. Paid through the ward's insurance;

2. Paid with the ward's own funds if insurance does not cover the expenses; or

3. Eligible for indigent care if neither insurance or personal funds are available to cover the medical expenses;[~~and~~]

(c) The ward's[~~physical~~] ability to handle the trip; and

(d) The ward's financial ability to afford the trip.

(2) If a request includes travel out of the United States, the division[~~Field Services Branch~~] shall inform the court of jurisdiction and allow the court to express any concerns[~~inform the provider of the provider's financial responsibility for any emergency medical treatment not covered by the ward's medical insurance or Kentucky Medicaid from the time the ward leaves the state of Kentucky until the ward is once again within the legal boundaries of the Commonwealth of Kentucky~~].

(3) The division[~~Field Services Branch~~] shall request a signed memorandum or letter from the provider detailing the following information:

(a) The potential for AWOL risk and if measures will be taken to lessen the risk;

(b) Acceptance of the involved responsibilities of the ward; and

(c) Proposed dates of travel.

(4) If the division[~~Field Services Branch~~] determines that the provider has been responsible and agrees travel is in the best interest of the ward, the division[~~Field Services Branch~~] shall share all necessary emergency contact numbers with the provider and request the provider to:

(a) Make contact upon return home[~~to the state of Kentucky~~]; and

(b) Carry a copy of the current court order appointing the cabinet as guardian in case of an emergency.

Section 11. Signing Documents on Behalf of a Ward or Signing Reports to Courts. (1) The division[~~Field Services Branch~~] shall review each provider contract[~~facility contracts~~] to ensure a ward's rights are preserved.

(2) The division shall not sign a contract for arbitration on behalf of a ward.

(3) A division employee shall use proper signature designation by[~~as follows:~~

~~(a) If~~] signing on behalf of a ward, with the wording as follows: "[~~shall be~~]name of ward by name of cabinet guardianship employee on behalf of the cabinet as court appointed (type of appointment) for name of ward"[~~; or~~

~~(b) If signing a court document on behalf of the cabinet, the wording shall be name of guardianship employee on behalf of the Cabinet for Health and Family Services as court appointed (type of appointment) for name of ward~~].

(4) A division employee shall use the term:

(a) "Conservator" or "limited conservator" if the cabinet has been appointed for the sole purpose of performing the duties of a full or limited conservatorship; or

(b) "Guardian" or "limited guardian" in all other designations or combinations thereof.

Section 12.[~~Client~~] Placement and Movement of Wards. (1) To ensure a ward is receiving the least restrictive and highest quality services from the most appropriate provider, the division[~~Field Services Branch~~] shall develop and maintain a working knowledge of:

(a) Services;

(b) Providers; and

(c) Facilities in the community.

(2) The division[~~Field Services Branch~~] shall consider various ancillary and support services and approve[~~select~~] a provider that best meets the needs of the individual ward, with consideration given to the ward's preference.

(3) If the cabinet has been appointed to facilitate and approve[~~responsibility for~~] living arrangements of the ward, the division[~~Field Services Branch~~] shall provide consent for[~~ensure that the ward is living in~~] the most appropriate, least restrictive environment taking into consideration the ward's financial abilities, wishes, and needs.

(4) Consent to[~~A~~] move to a new environment, including an intermediate[~~intensive~~] care facility for individuals with intellectual disabilities, nursing facility, or psychiatric hospital, may only be made after the division[~~Field Services Branch~~]:

(a) Evaluates physical and mental health needs by reviewing recommendations of treating professionals;[~~and~~]

(b) Receives acceptance from the placement as meeting the level of care; and

(c) Determines care options.

(5) The division[~~Field Services Branch~~] shall, upon the move to a new environment:

(a) Participate in the[~~Attend an~~] initial care plan meeting; and

(b) Visit the ward[~~:~~

~~1.~~] within thirty (30) days of the move[~~; and~~

~~2. Within ninety (90) days of the move for a follow-up visit~~].

(6)[~~The Field Services Branch shall consider:~~

~~(a) Any involuntary or long-term institutional placement of a ward to:~~

~~1. Minimize the risk of substantial harm to the ward; and~~

~~2. Obtain the most appropriate care; and~~

~~(b) The ward benefits and entitlements driven by level of care in the placement.~~

~~(7)~~] The division[~~Field Services Branch~~] shall, if known, notify the provider[~~facility~~] where the ward resides if the ward is listed on the Sex Offender Registry, has committed a sex crime or a crime against a minor, or is otherwise required to be on the registry pursuant to KRS 17.500 through 17.540.

Section 13.[~~Supports for Community Living (SCL). (1) Unless a ward has been previously referred, the Field Services Branch shall refer a ward with an intellectual disability or developmental disability to DBHDID for determination of Supports for Community Living (SCL) services in accordance with 907 KAR 1:145.~~

~~(2) The division shall monitor and access care in which a ward receives through SCL services.~~

~~Section 14. Bed Holds. (1)If the Field Services Branch receives notification that a ward is leaving a Medicaid nursing level of care or Medicaid Waiver program or has left a facility or placement, the Field Services Branch may:~~

~~(a) Give verbal authorization for the bed to be reserved; and~~

~~(b) Authorize bed hold days in excess of the period covered by Medicaid, or other funding source, only if the availability of the ward's funds has been verified with the Fiduciary Services Branch.~~

~~(2) If authorizing a bed hold, the Field Services Branch shall:~~

~~(a) Verify the verbal authorization of a bed hold with:~~

~~1. The facility holding the bed; and~~

~~2. Written verification including the:~~

~~a. Client's name;~~

~~b. Date phone call was placed;~~

~~c. Date reservation begins;~~

~~d. Date reservation ends; and~~

~~e. Rate per day; and~~

~~(b) Email the Fiduciary Services Branch that a bed hold has been completed.~~

~~(3) If a ward is in a public assistance eligible facility such as a licensed personal care home or family care home, and moves to a temporary stay at a hospital, psychiatric hospital-state and private, or nursing facility, the ward may be entitled to retain the public assistance for three (3) months in accordance with 42 U.S.C. 1382(e)(1)(G) and 20 C.F.R. 416.212.~~

~~(4) In order to continue public assistance the following requirements shall be met:~~

~~(a) A bed hold has been approved;~~

~~(b) A physician certifies in writing within ten (10) calendar days~~

~~of admission that the non-Supplemental Security Income (SSI) recipient is unlikely to be confined for longer than ninety (90) full, consecutive days; and~~

~~(c) Fiduciary Services Branch provides the DCBS with the following:~~

~~1. Notification of the temporary admission; and~~

~~2. The physician statement as specified in paragraph (b) of this subsection.~~

~~(5) If the bed hold is not verified or a physician statement is not received within ten (10) calendar days, the ward shall lose eligibility for public assistance and all public assistance shall be returned by the Fiduciary Services Branch to the Kentucky State Treasury from the date of admission.~~

~~(6)(a) The Field Services Branch may only authorize a bed hold for a ward residing in other levels of care by verifying and documenting the availability of the ward's funds with the Fiduciary Services Branch.~~

~~(b) If funds are verified by the Fiduciary Services Branch, the Field Services Branch shall verify the verbal authorization of a bed hold as specified in subsection (2) of this section.~~

~~Section 15. Moving to a New Region. (1) If a ward is being considered for placement from one (1) service region to another, the sending region's Field Services Branch shall consult with the receiving service region's Field Services Branch to determine if the proposed placement meets the needs of the ward.~~

~~(2) If placement is appropriate, the Field Services Branch shall request that the receiving region's Field Services Branch visit and assess the ward within forty-five (45) calendar days of placement to ensure the ward is adjusting to the placement.~~

~~(3) Within seven (7) working days of the visit, the receiving region's Field Services Branch shall make a recommendation for case file transfer to the sending region as to the ward's adjustment to the placement.~~

~~(4) If the ward is not adjusting to placement in the receiving service region:~~

~~(a) The sending service region shall consult with the receiving service region for direction and possible resolution; and~~

~~(b) The receiving service region may revisit the ward to monitor the placement.~~

~~(5) If the ward is adjusting and placement is appropriate, the Field Services Branch shall request a transfer of the ward's case to the receiving region with the receiving region's approval.~~

~~(6) If the transfer of the case is considered appropriate, the Field Services Branch in the sending region shall:~~

~~(a) Review the ward's file;~~

~~(b) Ensure the annual report is current; and~~

~~(c) Forward the ward's records and notification of transfer date to the Field Services Branch of the receiving region.~~

~~(7) The Field Services Branch in the receiving region shall:~~

~~(a) Notify the court of new place of residence and transfer;~~

~~(b) Assign a Field Services Worker in the new region; and~~

~~(c) Ensure health insurance and Medicare Part D are in place and available.~~

~~(8) If any of the following apply, the ward shall not be transferred:~~

~~(a) Limited appointment that expires within the next sixty (60) days of transfer;~~

~~(b) Legal actions pending in the current service region including the sale of real or personal property;~~

~~(c) A relative or other interested party is petitioning to be appointed successor guardian or conservator;~~

~~(d) The ward is in a psychiatric hospital voluntarily or by commitment for a period of less than 360 days; or~~

~~(e) The ward has been approved for SCL funding and is awaiting a permanent placement.~~

~~(9) If the ward is still in an emergency appointment, the case shall not be transferred without the sending region's Field Services Branch reviewing the facts and making a determination if the transfer will be accepted by the court in the receiving service region.~~

~~Section 16. Personal Belongings. (1) If a ward is moved from one (1) facility to another, the Field Services Branch shall ensure that all personal belongings are safely moved with the ward within thirty (30) calendar days of the move.~~

~~(2) If a ward is moved from a facility to a psychiatric hospital and the ward's personal belongings cannot be moved with the ward, the Field Services Branch shall:~~

~~(a) Determine:~~

~~1. If the prior facility charges a fee for storage; and~~

~~2. Through completion of a budget with the Fiduciary Services Branch, the availability of the ward's funds to cover the expense; and~~

~~(b)1. Store the belongings; or~~

~~2. Dispose of the belongings as specified in Section 6(10) of this administrative regulation.~~

~~Section 17.~~] Physical and Mental Health Care Needs of a Ward. (1) The division[~~Field Services Branch~~] may approve health care, treatment, or services of a ward as authorized by a court.

(2)[~~The Field Services Branch may approve birth control measures for the ward and authorize intrusive measures such as insertion of intrauterine devices or birth control implants if:~~

~~(a) A medical opinion indicates that there is minimal risk for the ward; and~~

~~(b) The procedure is considered to be the least invasive and most appropriate method available.~~

~~(3)~~](a) The division[~~Field Services Branch~~] may discuss with the ward or the ward's relative or other interested party, if appropriate, the need for surgery or treatment if:

1. The surgery or treatment[~~It~~] is in the best interest of the ward; and

2. a. The ward is capable of understanding the information; or

b. The ward's relative or other interested party has been involved with the ward's case.

(b) Discussion may include the possibility of the ward's relative or other interested party petitioning the court to be appointed as full guardian, guardian for personal affairs, or as limited guardian for medical affairs only.

(3)[~~(4) Unless emergency surgery or treatment is necessary to preserve the ward's life or to prevent serious impairment of the ward's physical health,~~] The division:

(a) [~~Field Services Branch~~] Shall comply with[~~seek, pursuant to~~] KRS 387.660(3) and KRS Chapters 202A and 202B; and

(b)[~~, the approval of a court for the:~~

~~(a) Removal of a bodily organ;~~

~~(b) Amputation of a limb; or~~

~~(c) Abortion or sterilization.~~

~~(5) The Field Services Branch shall document the health care services provided in the ward's case record including:~~

~~(a) Procedure to be performed;~~

~~(b) Name of the physician performing the procedure;~~

~~(c) Location where the procedure will be performed;~~

~~(d) Reason the procedure is needed;~~

~~(e) Less intrusive measures that have been tried, if applicable; and~~

~~(f) Date the procedure is to be performed.~~

~~Section 18. Mental Health Care Needs of the Ward. (1) The Field Services Branch shall seek court approval for the following procedures:~~

~~(a) Electro-Convulsive Therapy (ECT); or~~

~~(b) Psychosurgery pursuant to KRS 387.660(3);~~

~~(2) The Field Services Branch~~] May [~~co-~~]sign a provider's voluntary admission form if:

1. A ward meets criteria for admission[~~is admitted~~] to a mental health or intellectual disability provider;[~~facility~~] and

2. The[~~if the:~~

~~(a) Ward voluntarily signs the provider's voluntary admission form;~~

~~(b) Admitting physician deems the ward to be capable of voluntarily consenting to the treatment; and~~

~~(c)~~] cabinet is authorized by the court to make medical decisions for the ward.

(4) If the medical opinion recommends nonemergency removal

of a bodily organ, amputation of a limb, sterilization, abortion, electro-convulsive therapy, or psychosurgery.[~~(3) If there is no other person willing to petition the court for the ward to be involuntarily admitted, and the ward meets criteria for involuntary admission to a mental health facility or intellectual disability facility, the Field Services Branch shall follow the procedures and may initiate the Administrative Office of the Court's Petition for Involuntary Hospitalization:~~

~~(a) In accordance with KRS Chapters 202A and 202B; and~~

~~(b) If the Field Service Branch determines it is in the best interest of the ward.~~

~~Section 19. Nonemergency Removal of a Bodily Organ, Amputation of a Limb, Sterilization or Abortion. (1)(a) Unless emergency surgery or treatment is necessary to preserve the ward's life or prevent serious impairment of the ward's physical health, the Field Services Branch shall seek the approval of the court for the nonemergency removal of a bodily organ and the nonemergency amputation of a limb, sterilization, or abortion pursuant to KRS 387.660(3).~~

~~(b) The nonemergency removal of a bodily organ may include an organ such as the:~~

~~1. Eye;~~

~~2. Kidney;~~

~~3. Liver;~~

~~4. Lung; or~~

~~5. Reproductive organs.~~

~~(c) The nonemergency amputation of a limb may include:~~

~~1. Arm;~~

~~2. Foot;~~

~~3. Hand; or~~

~~4. Leg.~~

~~(2) The Field Services Branch may discuss with the ward, ward's relative or other interested party:~~

~~(a) The disposition of an amputated limb; or~~

~~(b) Keeping the amputated limb for burial in accordance with 910 KAR 2:030, Section 12(6).~~

~~(3) In order to obtain approval of the court,~~] the division[~~Field Services Branch~~] shall obtain and submit to the CHFS Office of Legal Services:

(a) A written request for legal assistance in anticipation of a motion and order to provide the medical procedure; and

(b) A statement[~~statements~~] from two (2) physicians, who have evaluated the ward providing their[~~and who are not in practice together to include the following:~~

~~(a) Ward's name;~~

~~(b) Date when the statement was written;~~

~~(c) Physician's name, area of practice, address, telephone number, and signature;~~

~~(d) Date the physician last evaluated the ward's condition;~~

~~(e) Procedure to be performed;~~

~~(f) Person who will perform the procedure;~~

~~(g) Location where the procedure will be performed;~~

~~(h) Date of the procedure;~~

~~(i) Ward's prognosis if the procedure is performed;~~

~~(j) Ward's prognosis if the procedure is not performed;~~

~~(k) Risks of performing the procedure;~~

~~(l) Physician's~~] professional opinion as to why the benefits of having the procedure outweighs the risks involved.

(5)[~~; and~~

~~(m) Alternative and less intrusive procedures that have been performed.~~

~~(4) The Field Services Branch shall prepare a written request for legal assistance with the OLS in anticipation of a motion and order that includes the:~~

~~(a) Ward's name;~~

~~(b) Date of adjudication;~~

~~(c) Date the cabinet was appointed;~~

~~(d) Type of appointment and any limitations;~~

~~(e) County having current jurisdiction over the case;~~

~~(f) Court's case number;~~

~~(g) Procedure to be performed;~~

~~(h) Reason the procedure needs to be performed;~~

~~(i) Person who will perform the procedure;~~

~~(j) Location where the procedure will be performed;~~

~~(k) Date of the procedure;~~

~~(l) Reference to the two (2) physicians who support the need for the procedure, who have evaluated the ward~~ [~~and who are not in practice together;~~

~~(m) Names, relationships, and mailing addresses of relatives to be notified of the court hearing; and~~

~~(n) Disposition of the amputated limb, if applicable.~~

~~(5) The Field Services Branch shall forward to the OLS the following:~~

~~(a) The request for legal assistance;~~

~~(b) A copy of the district court's AOC-785, Disability Judgment;~~

~~(c) A copy of the district court's AOC-775, Order of Appointment of Guardian; and~~

~~(d) The two (2) physicians' statements.~~

~~(6)~~] If the motion and order have been received, the division[~~Field Services Branch~~] shall file the following information with the court in the case:

(a) The motion and order prepared by OLS;

(b) The two (2) physicians' statements;

(c) An AOC-775, Order of Appointment of Guardian, available at the court of a ward's disability case; and

(d) An AOC-785, Disability Judgment, available at the court of a ward's disability case.

(6)[~~(7)~~] If required by the court, the division[~~Field Services Branch~~] shall attend the hearing on the motion and order.

(7)[~~(8)~~] The division[~~Field Services Branch~~] shall provide a[~~certified~~] copy of the signed order, signed consent, or denial to the:

(a) Hospital or provider where the surgery or treatment is recommended to be performed; or

(b) Provider[~~Facility~~] where the ward is residing so that the order can be sent with the ward to the hospital or provider.[~~(9) The Field Services Branch shall grant permission for the procedure that has been approved by the court.~~

~~(10) The Field Services Branch shall arrange disposition of the amputated limb as specified in subsection (2)(a) of this section.~~

~~(11) The Field Services Branch shall include an affidavit and other documentation of surgery in the next annual report to the court.~~]

Section 14[~~20~~]. Emergency Removal of a Bodily Organ, Amputation of a Limb, Sterilization, [~~or~~] Abortion, Electro-convulsive Therapy, or Psychosurgery. (1) If an emergency procedure needs to be performed within twenty-four (24) hours of notification of need from a physician to preserve the life or prevent serious impairment of the physical health of a ward, the division[~~Field Services Branch~~] shall not seek court approval.

(2) The division staff[~~Field Services Branch~~] shall notify the division director or designee of the need for an emergency procedure.

(3)(a) The division[~~Field Services Branch~~] shall document the emergency need and time table for the procedure and request a signed statement[~~an affidavit~~] of emergency need from the physician.

(b) The division[~~Field Services Branch~~] may request a second opinion and a signed statement[~~an affidavit~~] from the second physician to verify the need for surgery or that treatment is an emergency.[~~(c)The Field Services Branch shall review the affidavit if the affidavit is received and authorized as an emergency procedure as appropriate.~~

~~(d) The Field Services Branch may discuss with the ward, ward's relative, or other interested party:~~

~~1. The disposition of an amputated limb; or~~

~~2. Keeping the amputated limb for burial in accordance with 910 KAR 2:030, Section 12(6).~~

~~(e) The Field Services Branch shall include the affidavit and other documentation to the event in the next annual report to the court.~~

~~Section 21. Involuntary Mental Health Treatment for Wards. (1)(a) If it is determined that a ward is in need of mental health~~

~~hospitalization, the Field Services Branch shall suggest to the ward that he or she voluntarily seek treatment from a mental health professional or hospital.~~

~~(b) If the ward refuses to seek mental health services, and no other person is willing or able to file the petition, the Field Services Branch may:~~

~~1. Counsel community partners to petition; or~~

~~2. Initiate a petition for involuntary hospitalization if the ward meets the following criteria for involuntary admission for mental health treatment:~~

~~a. The ward has a mental health diagnosis;~~

~~b. The ward can benefit from mental health treatment;~~

~~c. The involuntary admission is the least restrictive form of treatment; and~~

~~d. The ward presents a danger or threat of danger to self or others.~~

~~(2) If the cabinet is the petitioner, the Field Services Branch shall:~~

~~(a) Attend the mental inquest hearing; and~~

~~(b) Testify at the request of the county attorney.~~

~~Section 22. Involuntary Intellectual Disability Treatment for a Ward. (1) If it is determined that a ward is in need of intellectual disability treatment, the Field Services Branch shall suggest to the ward that he or she voluntarily seek treatment from an intellectual disabilities professional.~~

~~(2) If the ward refuses to seek intellectual disabilities treatment, and there is no other person willing or able to file the petition, the Field Services Branch may file a petition if the ward meets the following criteria for involuntary admission for intellectual disabilities treatment:~~

~~(a) The ward has an intellectual disability diagnosis;~~

~~(b) The involuntary admission is the least restrictive form of treatment; and~~

~~(c) The ward presents a danger or threat of danger to self or others if not admitted to an intermediate care facility for intellectual disability (ICF/IID).~~

~~(3) In the case of an involuntary admission to an intellectual disabilities facility, the Field Services Branch shall:~~

~~(a) Request approval from the Commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities for the ward's admission to the facility; and~~

~~(b) Notify the Division of Protection and Advocacy.~~

~~(4) If the involuntary admission is granted, the Field Services Branch shall follow procedures as set out in KRS 387.660(1) for notification to the court.~~

~~(5) If the cabinet is the petitioner, the Field Services Branch shall:~~

~~(a) Attend the mental inquest hearing; and~~

~~(b) Testify at the request of the county attorney.~~

~~Section 23. Electro-convulsive Therapy and Psychosurgery. (1) Unless it is a necessary emergency medical procedure to preserve life or prevent serious impairment of the physical health of the ward, the Field Services Branch shall, for all forms of psychosurgery, seek approval from the court pursuant to KRS 387.660(3).~~

~~(2) The Field Services Branch shall inform the division of the requested procedure.~~

~~(3)(a) The Field Services Branch shall obtain written statements from two (2) psychiatrists who have evaluated the ward and who are not in practice together.~~

~~(b) The written statements shall include the following:~~

~~1. Ward's name;~~

~~2. Date when the statement was written;~~

~~3. Psychiatrist's name, area of practice, address, telephone number, and signature;~~

~~4. Last date the psychiatrist evaluated the ward's condition face-to-face;~~

~~5. Procedure to be performed;~~

~~6. Person who will perform the procedure;~~

~~7. Location where the procedure will be performed;~~

~~8. Date of the procedure;~~

~~9. Ward's prognosis if the procedure is performed;~~

~~10. Ward's prognosis if the procedure is not performed;~~

~~11. Risks of performing the procedure;~~

~~12. Psychiatrist's professional opinion as to why the benefits of having the procedure outweigh the risks involved; and~~

~~13. Alternative and less intrusive measures that have been performed.~~

~~(4) The Field Services Branch shall prepare A written request for legal assistance to the OLS that includes the:~~

~~(a) Ward's name;~~

~~(b) Date of adjudication;~~

~~(c) Date the cabinet was appointed;~~

~~(d) Type of appointment and any limitations;~~

~~(e) County having current jurisdiction over the case;~~

~~(f) Court's case number;~~

~~(g) Procedure to be performed;~~

~~(h) Reason the procedure needs to be performed;~~

~~(i) Person who will perform the procedure;~~

~~(j) Location where the procedure will be performed;~~

~~(k) Date of the procedure;~~

~~(l) Reference to the two (2) psychiatrists who support the need for the procedure; and~~

~~(m) Names, relationships, and mailing addresses of relatives to be notified of the hearing.~~

~~(5) Upon the completion of the written request, the Field Services Branch shall send to OLS the following and request that OLS prepare a motion and order requesting the consent for treatment:~~

~~(a) Request for legal assistance;~~

~~(b) A copy of the district court's AOC-785, Disability Judgment;~~

~~(c) A copy of the district court's AOC-775, Order of Appointment of Guardian; and~~

~~(d) Two (2) psychiatrists' statements.~~

~~(6) Once the motion and order requesting the consent for treatment have been received by the guardianship local office, the Field Services Branch shall file the following information with the court in the case:~~

~~(a) Motion and order prepared by OLS;~~

~~(b) Two (2) psychiatrists' statements;~~

~~(c) A copy of the district court's AOC-775, Order of Appointment of Guardian; and~~

~~(d) A copy of the district court's AOC-785, Disability Judgment.~~

~~(7) If required by the court, the Field Services Branch shall attend the hearing on the motion and order.~~

~~(8) The Field Services Branch shall provide a certified copy of the signed order by the court to the Hospital where the procedure is to be performed or to the Facility where the ward is residing so that the order can be sent with the ward to the hospital.~~

~~(9) The Field Services Branch shall include the following in the next annual report to the court:~~

~~(a) The requests for consent for treatment;~~

~~(b) Action taken by the court; and~~

~~(c) Treatment provided and resulting outcomes.~~]

Section 15[24]. Life Saving Measures. (1) A decision made prior to appointment shall be honored pursuant to KRS 311.6231, if:

(a) The ward's decision was made prior to the disability adjudication;

(b) The prior guardian or health care surrogate established end of life decisions; and

(c) There are no concerns that the decision was made for the purpose of abuse, neglect, or exploitation.

(2) The division may provide for end of life decisions by initiating:

(a) The Medical Order For Scope Of Treatment (MOST) form pursuant to KRS 311.6225 and available at https://kbml.ky.gov/board/Documents/MOST%20Form.pdf; or

(b) The Do Not Resuscitate (DNR) form.

(3) The procedure for the division[~~Field Services Branch~~] to request a change in code status from Full Code (FC) to Do Not Resuscitate (DNR) for a ward for whom the cabinet has the authority to make health care decisions shall include:

(a)[1.] Being advised by an attending physician, after clinical examination, that the ward:

1.[a.] Has a terminal condition;

2.[b.] Is permanently unconscious; or

3.[c.] Has a comorbid condition, in which two (2) or more coexisting medical conditions compromise the ward's chance of recovery or of benefiting from active treatment;

(b)[and

2.] The physician requests[physician's request] that the ward's code status be changed to DNR;[(b) Sending the DNR Request Form to be completed and signed by two (2) physicians, one (1) of whom shall be the attending physician;] and

(c) Notifying and sending the signed DAIL-DNR-01 State Guardianship DNR Request Form and diagnostic documentation or testing completed within the last twelve (12) months that documents the ward's condition[is terminal or permanently unconscious] to one (1) of the nurse consultants.

(4)[(2)] The nurse consultant shall determine if the ward meets criteria[according to the cabinet's protocol] or defer the request to change the ward's code status to DNR to the commissioner of the department[Guardianship Advisory Committee].

(5)[(3)] The nurse consultant shall notify the division[Field Services Branch] of the determination that was made on the ward's code status.

(6)[(4)] Upon reaching[receiving] the determination to change[for DNR, in support of changing] the ward's code status to DNR, the nurse consultant[Field Services Branch] shall notify all involved facilities verbally and in writing by forwarding a copy of the approval.

(7)[complete a hospital's or Emergency Medical Services' (EMS) Kentucky Emergency Medical Services Do Not Resuscitate Order.

(5) The Field Services Branch shall forward a copy of the approval and the DNR Order to all involved facilities.

(6) The Field Services Branch shall notify all involved facilities verbally of the DNR Order.

(7)] If the ward's medical condition improves significantly, any party involved, including the division[Field Services Branch], may review and make a request to change the code status.

Section 16[25]. End of Life Determination. (1) Each ward shall be full code status at the time of appointment unless an advance directive was in place prior to appointment.

(2) If the cabinet has the authority to make health care decisions and a health care professional has requested end of life consideration, the division may request end of life care, including:

(a) Comfort care;

(b) Hospice care;

(c) Withholding of care; or

(d) Termination of life prolonging treatment.

(3) The decision for end of life care shall follow the procedures established in this subsection.

(a) The division shall be advised by two (2) physicians, after clinical examination, that:

1.a. The ward has an irreversible terminal condition;

b. The ward is permanently unconscious;

c. The ward is in a persistent vegetative state; or

d. Inevitable death is expected by reasonable medical judgment within a few days; and

2. The physicians request that the ward's treatment be altered.

(b) The nurse consultant shall obtain a signed statement from each of the two (2) physicians documenting the physician's professional opinion as to why it is in the best interest of the ward to change the course of treatment.

(c) The nurse consultant shall:

1. Obtain the medical records supporting the diagnosis and each physician's opinion;

2. Review the statements and documentation submitted to determine if the ward meets the criteria of paragraph (a)1. of this subsection; and

3. Assemble an electronic outline concerning the ward's health status including recommendation for end of life care and submit the outline to the division designee.

(d) The division designee shall:

1. Review the request and make a recommendation to approve or not approve the request for end of life care; and

2. Submit the electronic outline, the nurse consultant's recommendation, and the division designee's recommendation to the DAIL commissioner or appointed designee for final determination of the request.

(e) Upon approval by the commissioner, or the appointed designee, of a request for comfort care, hospice, or termination of life support or withholding of life support measures, the division shall give verbal approval to all involved facilities and follow-up with written notification.

Section 17. Death of a Ward. (1) If a ward dies, the division[Field Services Branch] shall update[contact] the data system maintained by Guardianship by changing the ward's status to "deceased"[Fiduciary Services Branch] within one (1) working day upon notification of the death.

(2)[and provide the:

(a) Name of the ward;

(b) Date of death;

(c) Place of death;

(d) Last residence;

(e) Name, address, and telephone number of the funeral home; and

(f) Assets held by the field office or current placement.

(2) The Field Services Branch may contact the preferred funeral home and inform them of:

(a) The ward's death and location of the body;

(b) Any known relative or other interested party;

(c) Any known prepaid burial assets; and

(d) The fact that the cabinet shall not be held responsible for any burial arrangements or funeral expenses.

(3)] The division[Field Services Branch] shall ensure that a relative or other interested party, if known, is notified of the ward's death and the selected funeral home.

(3)[(4)] If there are no funds available for burial, the division[Field Services Branch] shall attempt to contact a known relative or other interested party to inform them of the ward's inability to pay for burial expenses and provide information on possible resources for assistance[determine their interest and ability to assist with burial expenses].

(4)[(5) The Field Services Branch may also seek assistance from the county Fiscal Court or local funeral homes.

(6) As the cabinet's decision-making authority ceases when the ward dies,] The division[Field Services Branch] shall not grant permission for:

(a) An autopsy;[Autopsies; or]

(b) Organ or tissue donation; or[donations]

(c) Release of the body.

(5)[(7)] If a ward dies in an unusual or unknown circumstance[circumstances], the division[Field Services Branch] shall[:

(a)] make a referral to the Department for Community Based Services, Adult Protective Services [:

1. APS; and

2. County coroner, relative, or other interested party who may order an autopsy; and

(b) Complete and submit to the department a Notice of Adult Fatality.

(8) If the Field Services Branch determines the ward's hard copy file is complete or no later than six (6) months from date of death, the file shall be forwarded by person or mail to the Fiduciary Services Branch.

Section 26. Cremations. (1) Pursuant to KRS 367.97524 and 40 KAR 2:150, a cremation authorization form shall be signed by an authorizing agent clearly stating the disposition of the cremated remains.

(2) Pursuant to KRS 367.97527, a ward may have established a prepaid cremation account prior to being determined to be disabled in order to specify how personal remains shall be handled.

~~(3) Other persons legally entitled to order the cremation and disposition of the adult's human remains shall be as listed in KRS 367.97501(1).~~

~~(4)(a) The Field Services Branch shall not sign a cremation authorization, or be allowed to establish a prepaid cremation account for a ward.~~

~~(b) If the ward funded a pre-paid cremation account prior to being adjudicated disabled, the ward's desire to be cremated shall be honored.~~

~~(c) If the ward has not signed a preneed authorization and there are no adult relatives who are willing to serve as the authorizing agent, the coroner may seek an order in district court authorizing the ward's cremation~~].

Section 18[~~27~~]. Incorporation by Reference. (1) The[~~following material is incorporated by reference:~~

~~(a) "Initial Field Visit Report", 3/09;~~

~~(b)~~] "DAIL-DNR-01 State Guardianship DNR Request Form", 7/2018 edition, is incorporated by reference[~~3/09; and~~

~~(c) "Notice of Adult Fatality", 3/09~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Aging and Independent Living, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

SHANNON GADD, Commissioner
ADAM MEIER, Secretary

APPROVED BY AGENCY: May 6, 2019

FILED WITH LRC: May 14, 2019 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on June 24, 2019, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 2019, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Persons: Phyllis W. Sosa, email: Phyllis.sosa@ky.gov, Phone: (502) 564-6930; or Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the service provisions for adult guardianship. This administrative regulation includes requirements for the department for:

1, Completing annual court reports;
2. Renewal of limited appointments;
3. Restoration, or modification of rights;
4. Appealing inappropriate appointments;
5. Sale of real estate and personal property;
6. Providing on-going service provisions;
7. Making decision on behalf of a ward;
8. Visiting wards;
9. Approving out of state travel for a ward;
10. Signing documents on behalf of a ward;
11. Making placement decisions on behalf of a ward;
12. Making decisions related to the physical and mental health care of a ward;
13. Emergency removal or a bodily organ, amputation of a limb, sterilization, abortion, electro-convulsive therapy, or psychosurgery;
14. Life saving measures;
15. End of life determination; and
16. Death of a ward.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to administer services to adults the Cabinet has been appointed as guardian.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 387.600(1) authorizes the courts to appoint the Cabinet for Health and Family Services as guardian to individuals who have been determined to have a disability and are unable to make their own decisions. KRS 194A.050(1) authorizes the Cabinet to adopt regulations as necessary to implement programs. This administrative regulation establishes standards of service provision to individuals who have been appointed to the Cabinet as a ward of the state.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will provide guidance to the Cabinet and Department on the provision of services and staff requirements in providing for the needs of individuals appointed to the Cabinet.

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

(a) How the amendment will change this existing administrative regulation: The amendment to 910 KAR 2:040 updates definitions, the website for required court forms, allows for a bench or jury trail pursuant to KRS 387.570(7)(a)-(c), technical amendments to update the name of the divisions within the Department, allows the Department to assist an interested party in obtaining guardianship of a ward when appropriate. This amendment clarifies that appointments to the Cabinet that are not in compliance with KRS 210.290 shall be appealed and clarifies when the appointment of guardianship is not appropriate. Clarifies the sale of real or personal property and that relatives or other interested parties may purchase the property at fair market value as appraised. Clarifies that the guardianship program provides consent or denial for services but is not responsible for providing for the direct services or care. Clarifies that guardianship does not take custody of the ward, is not the caregiver, that staff are not personally liable for the ward's expenses, placement or actions and does not provide transportation of the ward in a state or personal vehicle but may assist in arranging transportation through a third party when the ward has available funds to cover the cost. Reduces the number of home visits required but will allow a more person centered approach. Rather than every ward having a set time period for a visit the visit will be based upon the needs of the individual. This amendment also clarifies the reporting of conditions that may jeopardize and individuals health, safety or welfare or issues within the placement that need to be resolved. Clarifies a ward's ability to travel out of state. Clarifies the Departments signature authority for wards. Removes specific requirement to apply for the Supports for Community Living Waiver as the Department applies for all benefits that a ward may be eligible, not just the SCL Waiver. Removes the provisions for Bed Holds, this is provided for in 910 KAR 2:030, removes language of internal procedure to move a ward from one region to another, and removes language regarding personal belongings to allow decisions to be made on a case by case basis. Removes language related to Physical and Mental Health and adds language to comply with KRS 387.660(3) and KRS Chapters 202A and 202B. Life Saving Measures is amended to allow for decisions made prior to the adjudication of disability and appointment to guardianship to be honored pursuant to KRS 311.6231 when there are no concerns that the decision was made for the purpose of abuse, neglect or exploitation. Updates the end of life determination requirements and how to process the death of a ward. Establishes the DAIL-DNR-01 State Guardianship DNR Request form and eliminates the Initial Field Visit Report and Notice of Adult Fatality Forms.

(b) The necessity of the amendment to this administrative regulation: The amendment to 910 KAR 2:040 is necessary for the Cabinet to remain in compliance with revised statues, to maintain operations and meet the needs of the wards. The program is currently growing at an alarming rate without the ability to add additional staffing to meet the current self-imposed requirements. The amendments bring the regulation in line with the statutes. The regulation without the amendments make the work demands with the high caseloads and inability to stop new appointments into guardianship unmanageable and difficult to recruit and retain an experienced workforce. The amendment to this administrative regulation will allow for a more person centered approach to allow staff to work from the plan of care established by the multi-disciplinary treatment team rather than being tied to arbitrary timelines within the regulation.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment clarifies and establishes standards for the provision of services to individuals appointed to the Cabinet. This amendment provides alignment with the statues including clarification of amendments made through HB 5 of the 2018 regular session.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will provide guidance to the Cabinet staff to implement the requirements of the KRS.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Cabinet for Health and Family Services, Department for Aging and Independent Living, Department for Community Based Services, Office of Legal Services, over 4800 wards of the state, hospitals, doctors and health care providers requesting DNR's on patients that are wards of the state.

(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 Department will implement the DNR review process and obtain guidance from other Cabinet entities as needed to expedite a decision regarding a DNR. Hospitals, doctors and health care providers will have to utilize the new form and process. DCBS will have to determine acceptance or not of reports made regarding suspected abuse, neglect or exploitation. The Office of Legal Services will be responsible for appealing those appointments that are determined to be inappropriate on behalf of the Department for Aging and Independent Living.

(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.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Department staff will be able to review documentation submitted and make a determination in a more efficient manner. Wards will be able to take trips outside of the state of Kentucky when feasible and staff will have more flexibility in scheduling appointments and meeting the statutory requirements of the program and to provide the needed consent and guidance in meeting the needs of the wards. The medical community will have a clear process and more user friendly form to make requests for needed procedures or status changes.

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

(a) Initially: Initially there are no additional costs to implement this amended regulation.

(b) On a continuing basis: There are no additional costs to implement this amended regulation on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Guardianship program is funded 100% through state general funds for the provision of staffing. No funding is provided for services to wards other than their own funds or benefits for which they are eligible.

(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 funding is necessary to implement this regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: There are no fees established or increased by this regulation.

(9) TIERING: Is tiering applied? Tiering is not applied since policy is administered the same statewide.

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 Aging and Independent Living.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 387.600(1), 202A, 202B, 209.990, 210.290(3), (4), 387.97524, 367.97527, 387.500-387.990, 389A.010, 389.015, 20 C.F.R., 416.212, 42 U.S.C. 1382(e)(1)(G)

(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? This administrative regulation will not generate additional revenue in the first year.

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

(c) How much will it cost to administer this program for the first year? For FY 2019, the program will cost $8,000,000.00 in state general funds.

(d) How much will it cost to administer this program for subsequent years? In subsequent years, $8,000,000.00 in state general funds will be required to administer this program

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Income Support
Division of Child Support Enforcement
(Amendment)

921 KAR 1:380. Child Support Enforcement Program application and intergovernmental process.

RELATES TO: KRS 205.705, 205.710-205.800, 205.992, 213.046(4), 403.211, 405.430(5), 405.467, 405.520,[~~405.467,~~] 406.021, 406.025, 407.5101-407.5903, 610.170, 45 C.F.R. 301.1, 302.30, 302.31, 302.33-302.36, 302.50, 302.65, 302.80, 303.2, 303.3-303.8, 303.15, 303.30-303.31, 303.69, 303.70, 42 U.S.C. 651-654, 657, 663, 666

STATUTORY AUTHORITY: KRS 194A.050(1), 205.795, 405.520

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050[-](1), 205.795, and 405.520 authorize the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations to operate the Child Support Enforcement Program (CSEP) in accordance with federal law and regulations. 45 C.F.R. 303.2 requires the child support application process to be accessible to the public. This administrative

regulation specifies the process by which an individual may apply for child support services, the scope of services available, and the process for an intergovernmental case.

Section 1. Child Support Enforcement Case Types. (1) Kentucky Transitional Assistance Program (K-TAP) or Kinship Care.

(a)1. An applicant for, or recipient of, K-TAP or Kinship Care shall make an assignment of rights to the state for support that the applicant or recipient may have from any other person in accordance with KRS 205.720(1) and 921 KAR 2:006.

2. The assignment shall:

a. Include members of the case for whom support rights apply; and

b. Be completed when applying for K-TAP or Kinship Care benefits using the application form incorporated by reference in 921 KAR 2:040.

(b) An applicant or recipient shall cooperate in all phases of child support activity that shall, if known, include:

1. The name of the noncustodial parent or obligor;

2. The Social Security number of the noncustodial parent or obligor;

3. Information to assist in the:

a. Location of the noncustodial parent or obligor;

b. Enforcement of a child support order; or

c. Review or modification of a child support order;

4. Establishment of:

a. Paternity, if paternity has not been established; and

b. An assigned support obligation;

5. Enforcement of:

a. An assigned support obligation; and

b. A spousal support order if the cabinet is collecting for a child who resides with the spouse or former spouse; and

6. Forwarding any child support payment received to the cabinet's centralized collection unit.

(2) Foster Care.

(a) The CSEP shall collect and disburse child support on behalf of a child for whom:

1. The state is making a foster care maintenance payment as required by 42 U.S.C. 657 and an assignment of rights has been made; or

2. The cabinet has custody, and there is an order for the child's parent or parents to pay child support to the cabinet pursuant to KRS 610.170.

(b) The child's benefit worker with responsibility for the foster care child shall:

1. Cooperate with the CSEP;

2. Review and approve a foster care child support referral;

3. Complete a change of status if a change occurs that relates to the child support process; and

4. Forward to the CSEP a copy of the child support court documents.

(c) If a child with special needs is adopted in accordance with 922 KAR 1:100 and reenters the custody of the cabinet, the cabinet shall:

1. Determine that good cause exists in accordance with Section 2(3) of this administrative regulation; or

2. Establish a child support obligation if:

a. A child with special needs adopted in accordance with 922 KAR 1:100 has reentered the custody of the cabinet due to the child's maltreatment or abandonment; and

b. The commissioner or designee recommends the establishment of child support.

(3) Medicaid only.

(a) If a Medicaid-only referral is made, the CSEP shall obtain the following information, if available:

1. Medicaid case number;

2. Name of the noncustodial parent or obligor;

3. Social Security number of the noncustodial parent or obligor;

4. Name and Social Security number of the child;

5. Home address of the noncustodial parent or obligor;

6. Name and address of the noncustodial parent or obligor's place of employment; and

7. Whether the noncustodial parent has a health insurance policy and, if so, the policy name, policy number, and name of any person covered.

(b) An application for Medicaid shall include an assignment of rights for medical support, pursuant to 907 KAR 20:005.

(c) Except for a custodial parent who is pregnant or in her postpartum period, pursuant to 907 KAR 20:005, a custodial parent shall cooperate in all phases of medical support activity.

(d) A Medicaid-only recipient desiring full child support services, in addition to the medical support services, shall complete and submit to the CSEP the CS-140, Assignment of Rights and Authorization to Collect Support.

(4) Nonpublic Assistance.

(a) In accordance with KRS 205.721, the CSEP shall make child support services available to any individual who:

1. Assigns rights for medical support only;

2. Applies for services pursuant to paragraph (c) of this subsection; or

3. Has been receiving child support services as a public assistance recipient and is no longer eligible for public assistance.

(b) The CSEP shall notify the family no longer eligible for public assistance, within five (5) working days, that child support services shall continue unless the CSEP is notified to the contrary by the family.

(c) Application Process for a Nonpublic Assistance Individual.

1. Upon the request of a nonpublic assistance applicant, the CSEP shall give an application packet to the applicant.

2. If the request is:

a. Made in person, the packet shall be provided the same day; or

b. Not made in person, the packet shall be sent to the applicant within five (5) working days of the request.

3. The application packet shall include the:

a. CS-33, Application for Child Support Services;

b. CS-202, Authorization for Electronic Deposit of Child Support Payments; and

c. CS-11, Authorization and Acknowledgement of No Legal Representation.

4. In order to receive child support services, the applicant shall complete and return the:

a. CS-33, Application for Child Support Services; and

b. CS-11, Authorization and Acknowledgement of No Legal Representation.

(d) Except for a location-only case, services provided to a nonpublic assistance client through the CSEP shall be those services listed in Section 2 of this administrative regulation.

(e) If a case involves a putative father, services provided shall be those identified in Section 2(1) of this administrative regulation.

(f) The CSEP shall obtain the following information from a nonpublic assistance applicant, if available:

1. Name, date of birth, and Social Security number of the child;

2. Name of the custodial and noncustodial parent or obligor;

3. Social Security number of the custodial and noncustodial parent or obligor;

4. Date of birth of the custodial and noncustodial parent or obligor;

5. Home address or last known address of the custodial and noncustodial parent or obligor; and

6. Name and address of the custodial and noncustodial parent's or obligor's employer or last known employer.

Section 2. General Services and Good Cause for All Case Types. (1) The CSEP shall provide child support services for a case type described in this administrative regulation in accordance with 42 U.S.C. 654. The services shall include:

(a) Location of the noncustodial parent or obligor;

(b) Location of the custodial parent for establishment of paternity;

(c) Establishment of paternity based upon the receipt of either:

1. A court order; or

2. An affidavit from the Office of Vital Statistics that a signed, notarized voluntary acknowledgement of paternity has been registered;

(d) Establishment of a child support or medical support obligation by:

1. Petitioning the court or administrative authority to establish child support pursuant to the Kentucky Child Support Guidelines; and

2. Petitioning the court or administrative authority to include health care coverage pursuant to 45 C.F.R. 303.31(b)(1) in new or modified court or administrative orders for support; or

3. Petitioning the court or administrative authority to include cash medical support in new or modified orders until health care coverage that is accessible and reasonable in cost, as defined by KRS 403.211(8)(a) and (b), becomes available;

(e) Enforcement of a:

1. Child support or medical support obligation; and

2. Spousal support obligation if the:

a. Custodial parent is the spouse or ex-spouse;

b. Child lives with the spouse or ex-spouse; and

c. Cabinet is collecting support on behalf of the child;

(f) Review and modification of an assigned support obligation in accordance with 921 KAR 1:400;

(g) Collection and disbursement of current and past-due support payments resulting from an assigned support obligation, less an annual[~~twenty-five (25) dollar~~] fee assessed against a custodial parent who has never received assistance, as defined by 42 U.S.C. 654(6)(b)(ii) and KRS 205.721(4), during each Federal fiscal year in which $550[~~$500~~] has been disbursed for the case; and

(h) Submission of an application to the health plan administrator to enroll the child if the parent ordered to provide health care coverage is enrolled through the insurer and has failed to enroll the child.

(2) The CSEP shall open a case and determine needed action and services within twenty (20) calendar days of receipt of a:

(a) Referral from the public assistance agency;

(b) Foster care referral; or

(c) Nonpublic assistance application in accordance with Section 1(4)(c) of this administrative regulation.

(3) Good cause.

(a)1. If an applicant or client states that good cause for noncooperation exists, the applicant or client shall have the opportunity to establish a claim pursuant to 921 KAR 2:006.

2. Evidence for determination of good cause shall be pursuant to 921 KAR 2:006.

3. For a foster care child, good cause for nonenforcement of child support shall be determined to exist if evidence and criteria are met pursuant to 921 KAR 2:006 or 922 KAR 1:530.

(b) If the CSEP has reason to believe an allegation of child maltreatment or domestic violence pursuant to KRS 205.730(1), the CSEP shall not attempt location, establishment, modification, or enforcement of an assigned support obligation.

Section 3. Parent Locator Service and Associated Fee for Service. (1) Unless the cabinet has reason to believe an allegation of child maltreatment or domestic violence pursuant to KRS 205.730(1) or 921 KAR 2:006, Section 25, location shall be attempted for a:

(a) Public assistance case referred to the CSEP; or

(b) Nonpublic assistance case for which child support services are being provided.

(2) The CSEP shall attempt to locate a noncustodial parent or obligor and the noncustodial parent's or obligor's employer, sources of income, assets, property, and debt, if necessary, for a public assistance case or nonpublic assistance case assigned to the CSEP pursuant to KRS 205.712, 205.730(5), and 45 C.F.R. 303.69 or 303.70.

(3) In accordance with KRS 205.730(4), location services shall be provided in a parental kidnapping case.

(4) The CSEP shall provide location services to a putative father in accordance with KRS 205.730(2) and (4).

Section 4. Intergovernmental Process for Child Support Enforcement Services. In accordance with KRS 205.712, 407.5101-407.5903, and 45 C.F.R. 303.70, the CSEP shall:

(1) Extend to an intergovernmental IV-D child support case the same services available to an intrastate case; and

(2) Provide a responding state with sufficient and accurate information and documentation on the appropriate intergovernmental transmittal forms, the:

(a) CS-98, General Testimony;

(b) CS-99, Declaration in Support of Establishing Parentage;

(c) CS-100, Uniform Support Petition;

(d) CS-103, Child Support Enforcement Transmittal #1 – Initial Request;

(e) CS-138, Child Support Locate Request;

(f) CS-153, Child Support Enforcement Transmittal #2 – Subsequent Actions;

(g) CS-154, Child Support Enforcement Transmittal #3 – Request for Assistance/Discovery;

(h) CS-155, Notice of Determination of Controlling Order;

(i) CS-157, Letter of Transmittal Requesting Registration;

(j) CS-210, Child Support Agency Confidential Information Form;

(k) CS-211, Personal Information Form for UIFSA § 311;

(l) CS-212, Child Support Agency Request for Change of Support Payment Location Pursuant to UIFSA §319; and

(m) CS-213, Child Support Enforcement Transmittal #1 – Initial Request Acknowledgment.

Section 5. Public Awareness. The effort, pursuant to KRS 205.712(2)(g), to publicize the availability of the CSEP's services and encourage their use may include:

(1) Public service announcements;

(2) Posters;

(3) Press releases;

(4) Videos;

(5) Annual reports;

(6) Newsletters;

(7) Mail inserts;

(8) Pamphlets;

(9) Letters; and

(10) Internet.

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

(a) "CS-11, Authorization and Acknowledgement of No Legal Representation", 10/12;

(b) "CS-33, Application for Child Support Services", 8/19[~~1/18~~];

(c) "CS-98, General Testimony", 1/18;

(d) "CS-99, Declaration in Support of Establishing Parentage", 1/18;

(e) "CS-100, Uniform Support Petition", 1/18;

(f) "CS-103, Child Support Enforcement Transmittal #1 - Initial Request", 1/18;

(g) "CS-138, Child Support Locate Request", 1/18;

(h) "CS-140, Assignment of Rights and Authorization to Collect Support", 10/12;

(i) "CS-153, Child Support Enforcement Transmittal #2 - Subsequent Actions", 1/18;

(j) "CS-154, Child Support Enforcement Transmittal #3 - Request for Assistance/Discovery", 1/18;

(k) "CS-155, Notice of Determination of Controlling Order", 1/18;

(l) "CS-157, Letter of Transmittal Requesting Registration", 1/18;

(m) "CS-202, Authorization for Electronic Deposit of Child Support Payments", 2/17;

(n) "CS-210, Child Support Agency Confidential Information Form", 1/18;

(o) "CS-211, Personal Information Form for UIFSA § 311", 1/18;

(p) "CS-212, Child Support Agency Request for Change of Support Payment Location Pursuant to UIFSA §319", 1/18; and

(q) "CS-213, Child Support Enforcement Transmittal #1 - Initial Request Acknowledgment", 1/18.

(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.

W. BRYAN HUBBARD, Commissioner
ADAM M. MEIER, Secretary

APPROVED BY AGENCY: May 6, 2019

FILED WITH LRC: May 14, 2019 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on June 24, 2019, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 2019, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. In accordance with KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-6746; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Agency Contacts: Mary W. Sparrow, (502) 564-2285, extension 4832, mary.sparrow@ky.gov, or Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation specifies the process by which an individual may apply for child support services, the scope of services available, and the process for an intergovernmental case.

(b) The necessity of this administrative regulation: This administrative regulation provides the procedures for applying for child support enforcement services, the scope of child support enforcement services available as well as the procedures for establishing an intergovernmental case in accordance with 42 U.S.C. 651-654, 657, 663, 666 and 45 C.F.R. 302 and 303.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The cabinet has responsibility under KRS 194A.050 (1), 205.721, 205.795, 405.520, and by virtue of applying for federal funds under 42 U.S.C. 651-654, 657, 663 and 666, to outline the application process for child support services, scope of child support enforcement services available, and the procedures for establishing an intergovernmental case.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing procedures and processes utilized by the Cabinet for applicants to apply for child support enforcement services, the scope of child support enforcement services available and the procedures for establishing an intergovernmental child support case.

(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 federal annual fee began in 2005, and was updated in 2018. This amendment removed references to the fee and references the annual fee as referenced in KRS 205.721(4), updated by HB 415 (2019). The Application for Child Support Services (CS-33) has also been updated to reflect the change in fee.

(b) The necessity of the amendment to this administrative: This amendment is necessary to remove the fees in regulation and to reference the updated fees in KRS 205.721(4), as updated by HB 415 (2019).

(c) How the amendment conforms to the content of the authorizing statutes: The amendment is consistent with the authorizing statutes, which provide guidance for the Child Support Enforcement (CSE) program.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Currently, there are approximately 60,000 clients/recipients that will be affected.

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

(a) List the actions that each of the regulated entities identified in questions (3) will have to take to comply with this administrative regulation or amendment: Affected entities will experience an increase in fee recoupment based on the amendment to KRS 205.721(4) that passed during the 2019 legislative session. CSE will notify clients that met the recoupment threshold in the current FFY of the fee increase and updated threshold for recoupment of payments.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): Clients will have the $35.00 payment retained to offset (pay) the annual fee as statutorily required in KRS 205.721(4). This fee is retained once the noncustodial parent makes payments totaling $550 in the federal fiscal year.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation will bring Kentucky into compliance with federal regulations in implementing the increase in fee. Clients will receive the same services: Paternity, Establishment, Review and Modification and Enforcement actions on their case(s).

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

(a) Initially: There will be a one-time mailing fee of $22,680 for the notices to 60,000 affected clients.

(b) On a continuing basis: There will be no additional cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: CSE will pay the costs with the state share of the fees retained.

(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 amendment removes reference to the fee because the fee is outlined in KRS 205.721(4).

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. This administrative regulation references the annual fee that was updated in HB 415 (2019) in amending KRS 205.721(4)

(9) TIERING: Is tiering applied? No. This administrative regulation is applicable to all affected entities in a like manner.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 42 U.S.C. 654(6)(b)(ii)

2. State compliance standards. KRS 205.721(4)

3. Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 654(6)(b)(ii)

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The administrative regulation does not impose stricter requirements, or additional or different responsibilities of requirements, than those required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The administrative regulation does not impose stricter requirements, or additional or different responsibilities of requirements, than those required by the federal mandate.

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 Child Support Enforcement Program will be impacted by the amendment to this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 42 U.S.C. 454(6)(B)(ii) and KRS 205.721.

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? HB 415 from the 2019 legislative session, increased the annual fee amount from $25 to $35. CSE expects the fee increase to bring the revenue to $645,000 which CSE will use to draw down an additional $1,252,100 of federal funds. The amendment to this administrative regulation removes the fee amount because it is established in statute and to state it again would be duplicative; however, the reference to the statute allows CSE to collect the fee, thus increasing revenue for the agency.

(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? For subsequent years, the revenue generated from the annual fee increase should remain consistent and allow CSE to draw down additional federal funds.

(c) How much will it cost to administer this program for the first year? There will be an additional postage fee of $22,680 to mail one-time notices to the clients of the fee increase.

(d) How much will it cost to administer this program for subsequent years? No additional administrative costs will be incurred.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(Amendment)

922 KAR 1:470. Central registry.

RELATES TO: KRS 17.165(6), 61.876, 160.151, 160.380, 194A.050(1), 194A.380-194A.383, 199.466, 199.896(19), 199.8982(1)(a), 211.684(1)(a), 403.352, 600.020(1), (40), (61), (62), 605.130(7), 605.150(1), 620.050, 620.051, 625.050-625.120, 42 U.S.C. 671(a)(20), 5106a(b), 9858f

STATUTORY AUTHORITY: KRS 194A.050(1), 605.130(7)[~~605.130(4)~~], 605.150(1), 620.051(2)[~~2006 Ky. Acts ch. 252 Part 1, H.10(3)~~]

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 the programs and fulfill the responsibilities vested in the cabinet. KRS 605.150(1) authorizes[~~permits~~] the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605, including KRS 605.130(7)[~~605.130(4)~~], which authorizes the cabinet to perform services necessary for the protection of children. KRS 620.051(2) requires the cabinet to promulgate administrative regulations to establish the central registry and the process for a background check of the cabinet's child abuse and neglect records[~~2006 Ky. Acts ch. 252 Part 1, H.10(3) authorizes the secretary to promulgate administrative regulations necessary to prescribe criminal background investigation fee amounts~~]. This administrative regulation establishes the procedure by which the cabinet shall conduct a child abuse or neglect check using information in the central registry.

Section 1. Definitions. (1) "Abused or neglected child" is defined by KRS 600.020(1).

(2) "Administrative review" means that the status of the individual subject to the central registry check is pending the outcome of an:

(a) Investigation or assessment in accordance with 922 KAR 1:330; or

(b) Appeal concerning a cabinet substantiated finding of child abuse or neglect.

(3) "Child fatality" is defined by KRS 211.684(1)(a).

(4) "Near fatality" is defined by KRS 600.020(40) and 42 U.S.C. 5106a(b)(4)(A).

(5) "Sexual abuse" is defined by KRS 600.020(61).

(6) "Sexual exploitation" is defined by KRS 600.020(62).

Section 2. Central Registry. (1) The central registry shall include the name of each individual:

(a) Who has been found by the cabinet to have abused or neglected a child on or after October 1, 1998; and

(b)1. Who waived the right to appeal a substantiated finding of child abuse or neglect in accordance with:

a. 922 KAR 1:480;

b. 922 KAR 1:320; or

c. 922 KAR 1:330, Section 11; or

2. Whose substantiated incident was upheld upon appeal.

(2) Each name shall:

(a) Remain on the central registry for a period of at least seven (7) years; and

(b) Be removed from the central registry after a period of seven (7) years if:

1. No additional incident of child abuse or neglect has been substantiated by the cabinet since the time of the incident for which the individual's name was placed on the registry; and

2. Cabinet records indicate that the incident for which the individual's name was placed on the registry did not relate to:

a. Sexual abuse or sexual exploitation of a child;

b. A child fatality related to abuse or neglect;

c. A near fatality related to abuse or neglect; or

d. Involuntary termination of parental rights in accordance with KRS 625.050 through 625.120.

(3) This administrative regulation shall not apply to cabinet background checks required by 922 KAR 1:490.

(4) This administrative regulation shall not limit the cabinet's ability to disclose information in accordance with KRS 620.050 and 42 U.S.C. 5106a(b)(2)(B)(viii), (ix), or (x).

Section 3. Procedure for Requesting a Central Registry Check. (1) If information from the central registry is required by law, a request for a central registry check may be made by an:

(a) Individual;

(b) Organization; or

(c) Other entity.

(2) The cabinet shall conduct a check of the central registry for each individual who:

(a) Submits a request for a check of the central registry in accordance with subsection (4) of this section; and

(b)1. Applies for initial licensure;

2. Is hired by, or volunteers with, an entity required by law to obtain information contained in the central registry; or

3. Is hired by, or volunteers with, an entity that may require a central registry check as a condition for working with children on a regular basis.

(3) An individual who is not required by law to obtain information contained in the central registry shall submit an open records request in accordance with 922 KAR 1:510.

(4) A request for a central registry check shall be made:

(a) By electronically submitting to the cabinet through the

Kentucky Online Gateway:

1.a. A completed DCC-374, Child Care Central Registry Check, for an individual in child care as specified by 42 U.S.C. 9858f, KRS 199.466, or[~~Title~~] 922 KAR 2:280[~~Chapter 2~~]; or

b. A completed DPP-156, Central Registry Check, for an individual required by a law not specified in clause a. of this subparagraph no later than five (5) working days after:

(i) The date of employment of an individual required by law to submit to a central registry check; or

(ii) A volunteer's first day, if the volunteer is required by law to submit to a central registry check; and

2. A nonrefundable fee of ten (10) dollars paid by credit or debit card[~~:~~

~~a.(i) Submitted by check or money order; and~~

~~(ii) Made payable to the Kentucky State Treasurer; or~~

~~b. Made available through A prepaid account established with the cabinet~~]; or

(b) Through another cabinet system, including[~~such as~~] the Kentucky National Background Check Program established by[~~in accordance with~~] 906 KAR 1:190.

(5) A state requesting a child abuse or neglect check from the cabinet as required by 42 U.S.C. 671(a)(20) shall follow the procedures described in 922 KAR 1:490, Section 4.

Section 4. Administrative Review. (1) The cabinet shall indicate on a central registry check if the individual is pending administrative review by the cabinet.

(2) An individual subject to administrative review in accordance with this section may submit a request for the disclosure of[~~an open~~] records[~~request~~] in accordance with 922 KAR 1:510 once the administrative review process is complete.

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

(a) "DPP-156, Central Registry Check," 5/2019[~~1/18~~]; and

(b) "DCC-374, Child Care Central Registry Check," 5/2019[~~11/13/17~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

ERIC T. CLARK, Commissioner
ADAM M. MEIER, Secretary

APPROVED BY AGENCY: May 6, 2019

FILED WITH LRC: May 14, 2019 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on June 24, 2019, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 2019, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Agency Contacts: Laura Begin, Phone: (502) 564-3703, Email: Laura.Begin@ky.gov; or Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures by which the cabinet shall conduct a child abuse and neglect check using information in the central registry.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish cabinet procedures for child abuse and neglect checks of the central registry.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing cabinet procedures for conducting child abuse and neglect checks of the central registry, as required by KRS 620.051(2).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently assists in the effective administration of the statutes through its establishment of cabinet procedures for child abuse and neglect checks of the central registry.

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

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation reflects the move of the child abuse and neglect (CA/N) registry database to an electronic format.

(b) The necessity of the amendment to this administrative regulation: The cabinet's CA/N registry database is being moved from a paper-based process to an online database in order to improve background check efficiency. In calendar year 2017, 25,689 central registry checks were processed. Due to the passage of legislation requiring background checks, in calendar year 2018, 69,293 central registry checks were processed. Over 43,000 were processed from July 1 through December 31st. From January 1, 2019, to April 9, 2019, the cabinet had already processed 32,319 checks. For a period of time in 2018, the department experienced a backlog of a few months in completing these checks. In early 2019, the department achieved same-week processing thanks to intensive and concerted efforts of existing, newly recruited, and volunteer staff across DCBS. DCBS and the Office of Administrative and Technology Services have developed a technology solution that will provide some automation of manual functions and support timeliness of these checks. This regulatory amendment reflects this technology solution.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes through its update of cabinet procedures for child abuse and neglect checks of the central registry. KRS 620.051(2) requires the cabinet to promulgate administrative regulations to establish the central registry and the process for a background check of the cabinet's child abuse and neglect records

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes through its enhancement of the cabinet's child abuse and neglect check procedures to provide a more efficient process.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Individuals who are subject to statutory and regulatory requirements involving a child abuse and neglect check conducted by the cabinet are impacted by this administrative regulation. In 2018, the cabinet processed 69,293 central registry checks. From January 1, 2019, to April 9, 2019, the cabinet had already processed 32,319 checks.

(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 central registry system will be electronic and users will have to pay the required fee by credit or debit card or through another cabinet system including the Kentucky National Background Check Program established by 906 KAR 1:190. With this electronic format, the checks should be completed much quicker, which will assist in employment and volunteer opportunities.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): With this electronic format, the CA/N checks should be completed much quicker, which will assist in employment and volunteer opportunities.

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

(a) Initially: The cost to build the electronic platform is approximately $45,000.

(b) On a continuing basis: The electronic system will speed the process and save money on office supplies and postage, which is approximately $8,000 per year. This program currently has a personnel cost of approximately $1.2M per year, but the electronic platform could also realize a savings in personnel costs, to be foreseen.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General fund dollars.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The fee charged by the cabinet for a child abuse and neglect check is unchanged and is consistent with KRS 620.051(1). The fees collected support cabinet programing.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The administrative regulation enforces a fee established by the General Assembly and codified in KRS 620.051(1). The fee is unchanged through this amendment.

(9) TIERING: Is tiering applied? Tiering is not applied, because this administrative regulation will be implemented in a like manner statewide.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 42 U.S.C. 671(a)(20), 5106a(b), 9858f

2. State compliance standards. KRS 194A.050(1), 605.130(7), 605.150(1), 620.051(2)

3. Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 671(a)(20), 5106a(b), 9858f

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The administrative regulation does not impose stricter requirements, or additional or different responsibilities of requirements, than those required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The administrative regulation does not impose stricter requirements, or additional or different responsibilities of requirements, than those required by the federal mandate.

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 is impacted by this administrative regulation. Public school districts are impacted by this administrative regulation through the statutory mandate for personnel and others on the grounds of a public school or on the student based decision making council to undergo a child abuse and neglect check conducted by the cabinet. Other governmental organizational units that require staff or providers to undergo child abuse and neglect central registry checks, such as the Department of Juvenile Justice or the Department for Medicaid Services, are impacted by this administrative regulation and the amendment to make this process electronic. With this electronic format, the checks should be completed much quicker, which will assist in employment and filling vacancies.

(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), 605.130(7), 605.150(1), 620.051(2), 42 U.S.C. 671(a)(20), 5106a(b), 9858f

(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? This administrative regulation enforces the fee codified in KRS 620.051(1) for child abuse and neglect background checks. The fees collected support cabinet programing. This amendment does not change the fee.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation enforces the fee codified in KRS 620.051(1) for child abuse and neglect background checks. The fees collected support cabinet programin. This amendment does not change the fee.

(c) How much will it cost to administer this program for the first year? The cost to build the electronic platform is approximately $45,000. The electronic system will speed the process and save money on office supplies and postage, which is approximately $8,000 per year. This program currently has a personnel cost of approximately $1.2M per year, but the electronic platform could also realize a savings in personnel costs, to be foreseen.

(d) How much will it cost to administer this program for subsequent years? This program may have minimal maintenance costs, but this cost will be offset by savings in office supplies, postage, and possibly personnel. This amendment will reduce administrative burdens on Records Management staff, allowing more time to perform additional CA/N checks and provide results more efficiently.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(Amendment)

922 KAR 1:510. Authorization for disclosure of protection and permanency records.

RELATES TO: KRS 61.870-61.884, 194A.050(1), 45 C.F.R. 160.103, 164.501, 164.502, 164.508, 164.512, 164.524

STATUTORY AUTHORITY: KRS 61.876(1), 194A.050(1)[~~, 194B.060(1)~~]

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 the programs and fulfill the responsibilities vested in the cabinet. KRS 61.876(1) requires[~~authorizes~~] the cabinet to adopt administrative regulations regarding the protection and disclosure of public records in conformity with KRS 61.870 to 61.884.[~~KRS 194B.060(1) authorizes the secretary to promulgate~~

~~administrative regulations for protection and disclosure of confidential records and reports of the cabinet's clients or former clients.~~] This administrative regulation establishes the authorization requirements for disclosure of protection and permanency records.

Section 1. Definitions. (1) "Disclosure" is defined by 45 C.F.R. 160.103.

(2)[~~"Health information" is defined by 45 C.F.R. 160.103.~~

~~(3)~~] "Official custodian" is defined by KRS 61.870(5).

(3)[~~(4) "Protected health information" or "PHI" is defined by 45 C.F.R. 160.103.~~

~~(5)~~] "Protection and permanency records" means a public record as defined in KRS 61.870(2)[~~and~~] that is prepared, owned, used, in the possession of, or retained by departmental staff providing protection and permanency services.

Section 2.[~~General. The cabinet shall comply with KRS 61.870 to 61.884 and 45 C.F.R. Parts 160 and 164 in processing requests for disclosure of protection and permanency records.~~

~~Section 3.~~] Authorization for Disclosure of Protection and Permanency Records. (1) If a person submits a request for disclosure of protection and permanency records[~~that include health information or protected health information~~], the official custodian shall require the person to authorize the[~~such a~~] disclosure.[~~:~~

~~(a) By completing and signing a "DPP-010, Open Records Request" in accordance with KRS 61.872(2), if the written request is insufficient to locate and retrieve the records requested;~~

~~(b)~~] in accordance with 45 C.F.R. 164.508(c), by completing and signing a[~~:~~

~~1. "~~]CHFS-305, Authorization for Disclosure of Protected [~~Health~~] Information.

(2) [~~", if requesting health information other than psychotherapy records; or~~

~~2. "CHFS-305A, Authorization for Disclosure of Psychotherapy Information ", where applicable; and~~

~~(c) By returning~~] The CHFS-305 shall be submitted with a copy of a photo ID[~~appropriate forms in paragraphs (a) and (b) of this subsection~~] to the official custodian of protection and permanency records:

(a)[~~1.~~] Between the hours of 8 a.m. and 4:30 p.m. to the Cabinet for Health and Family Services, Department for[~~of~~] Community Based Services, Records Management Section, 275 East Main Street, Section 3E-G, Frankfort, Kentucky 40621;

(b)[~~or 2.~~] By mail[~~,~~] to the address specified in paragraph (a) [~~subparagraph 1~~] of this subsection;

(c) By electronic mail to CHFSDCBS.RMS@ky.gov; or

(d) By fax to 502-564-9554 [~~paragraph~~].[~~(2) If a person submits a request for protection and permanency records that does not include health information or protected health information, the official custodian shall require the person to:~~

~~(a) Complete and sign an "Open Records Request" as specified in subsection (1)(a) of this section; and~~

~~(b) Submit the request to the official custodian of protection and permanency records as specified in subsection (1)(c) of this section.~~

~~(3) The official custodian of protection and permanency records shall:~~

~~(a) Respond to the request for disclosure of protection and permanency records in accordance with KRS 61.880(1); and~~

~~(b) Allow the disclosure of protection and permanency records in accordance with 45 C.F.R. 164.524(b) and KRS 61.872, unless denied in accordance with 45 C.F.R. 164.524(d) or KRS 61.878(1).~~]

Section 3.[~~4.~~] Appeals. A person denied access to records shall have appeal rights in accordance with 45 C.F.R. 164.524(d)(4), or KRS 61.880 and 61.882.

Section 4.[~~5.~~] Incorporation by Reference. (1)[~~The following material is incorporated by reference:~~

~~(a) "DPP-010, Open Records Request, edition 6/04";~~

~~(b)~~] "CHFS-305, Authorization for Disclosure of Protected [~~Health~~] Information[~~edition 6/04~~]", 5/2019, is incorporated by reference[~~; and~~

~~(c) "CHFS-305A, Authorization for Disclosure of Psychotherapy Information, edition 6/04"~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday 8 a.m. to 4:30 p.m.

ERIC T. CLARK, Commissioner
ADAM M. MEIER, Secretary

APPROVED BY AGENCY: May 6, 2019

FILED WITH LRC: May 14, 2019 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on June 24, 2019, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 2019, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Agency Contacts: Laura Begin, Phone: (502) 564-3703, Email: Laura.Begin@ky.gov; or Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the authorization requirements for the disclosure of Division of Protection and Permanency (DPP) records.

(b) The necessity of this administrative regulation: KRS 61.876(1) requires the cabinet to adopt administrative regulations regarding the protection and disclosure of public records in conformity with KRS 61.870 to 61.884.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The process by which a person requests and receives agency records is consistent with authorizing statues in protecting and disclosing agency records.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation clearly establishes the process for requesting agency records.

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

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation condenses three forms incorporated for requesting DPP records into one form. This administrative regulation has not gone through the amendment process since 2004 and one of these forms, the DPP-010, is no longer used for requesting records. The second form being eliminated in this amendment, the CHFS-305A, does not contain any information that is not also contained in the CHFS-305, therefore it is duplicative and confusing. The amendment includes email and fax as alternatives for submitting the record request form and requires a copy of a photo ID submitted with the

record request for identification verification. Other revisions were necessary for compliance with KRS Chapter 13A.

(b) The necessity of the amendment to this administrative regulation: KRS 13A.3102 states that administrative regulations with a last effective date that is seven or more years old shall expire unless a certification process is followed. This administrative regulation was found to have last been amended in 2004 and be in need of many updates. The amendment simplifies forms used in the DPP record request process and makes revisions necessary for compliance with KRS Chapter 13A.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 61.876(1) requires the cabinet to adopt administrative regulations regarding the protection and disclosure of public records in conformity with KRS 61.870 to 61.884. This amendment does that while simplifying the required forms, providing more alternatives for submitting the records request, and requiring a copy of a photo ID for the protection of records.

(d) How the amendment will assist in the effective administration of the statutes: Requiring three different forms for DPP records requests is duplicative and confusing; therefore, the three forms have been condensed into one. This simplifies the process and should reduce confusion over which form to use. Including fax and email methods for submitting the form also simplifies and speeds the record request process.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Records Management Section processed 3,090 open records requests in 2018.

(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 process for requesting DPP records does not change except that now only one of the three forms (the CHFS-305) will still be in use and the form will be used for all DPP record requests. In addition to bringing or mailing the completed form to the agency, the form may now also be submitted via fax or email through this amendment. A copy of photo ID is also required with the completed form to verify identification.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no change in the cost. When requesting records, the first 20 pages of records are provided for free with a charge of 10 cents per page after 20 pages, plus postage.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment simplifies the process for requesting DPP records, but ensures that the requestor's identity is verified through a copy of a photo ID, protecting DPP records.

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

(a) Initially: This amendment does not have a cost to implement.

(b) On a continuing basis: This amendment does not have a cost to implement.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This amendment does not have a cost to implement or enforce.

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

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not directly or indirectly increase fees. There is an unchanged fee of 10 cents per page for records provided once 20 pages is exceeded, plus postage.

(9) TIERING: Is tiering applied? Tiering is not applied, because this administrative regulation will be implemented in a like manner statewide.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 45 C.F.R. 160.103, 164.501, 164.502, 164.508, 164.512, 164.524

2. State compliance standards. KRS 61.876(1) and 194A.050(1)

3. Minimum or uniform standards contained in the federal mandate. 45 C.F.R. 160.103, 164.501, 164.502, 164.508, 164.512, 164.524

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The administrative regulation does not impose stricter requirements, or additional or different responsibilities of requirements, than those required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The administrative regulation does not impose stricter requirements, or additional or different responsibilities of requirements, than those required by the federal mandate.

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 Community Based Services, is affected by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 61.876(1) and 194A.050(1), 45 C.F.R. 160.103, 164.501, 164.502, 164.508, 164.512, 164.524

(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? This administrative regulation does not generate revenue.

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

(c) How much will it cost to administer this program for the first year? This amendment does not affect fees or funding. This program has administrative personnel cost of approximately $100,000 per year.

(d) How much will it cost to administer this program for subsequent years? This amendment does not affect fees or funding. This program has administrative personnel cost of approximately $100,000 per year.

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:

NEW ADMINISTRATIVE REGULATIONS

PERSONNEL CABINET
(New Administrative Regulation)

101 KAR 2:190. Employee performance management system.

RELATES TO: KRS 18A.005, 18A.110
STATUTORY AUTHORITY: KRS 18A.110(1)(i), (2), (7)(j)
NECESSITY, FUNCTION and CONFORMITY: KRS 18A.110(1)(i) and (7)(j) require the Secretary of the Personnel Cabinet to promulgate comprehensive administrative regulations for classified service employees to establish a uniform system of annual employee evaluations for classified employees. KRS 18A.110(2) authorizes the secretary to promulgate comprehensive administrative regulations for the unclassified service. This administrative regulation establishes the uniform employee performance evaluation system for performance years beginning in 2020.

Section 1. General Provisions. (1) The provisions of this administrative regulation shall be effective beginning with 2020 performance year activities.
(2) The annual performance period shall be one (1) calendar year beginning on January 1.
(3) Except as provided in subsection (5)(d) of this section, performance evaluations shall be completed no later than January 31 after the end of the annual performance period.
(4) All agencies shall use the Annual Employee Performance Evaluation procedure established by the secretary.
(5)(a) Except as provided in paragraph (b) or (c) of this subsection, the first line supervisor of an employee when the evaluation is due shall be the evaluator.
(b) If the first line supervisor has not supervised the employee for at least sixty (60) calendar days during the performance year, the next line supervisor who meets the sixty (60) day requirement shall be the evaluator.
(c) If an employee changes jobs or reports to a different supervisor on or before November 1 of the performance year, the agency shall transfer all performance evaluation documentation for the performance year to the new evaluator for incorporation in the annual evaluation.
(d) If an employee changes jobs or reports to a different supervisor after November 1 of the performance year, the annual evaluation shall be completed by the former supervisor prior to the job change.
(6)(a) Except as provided in paragraph (b) of this subsection, the evaluator shall establish a performance plan for each eligible employee no later than January 31 after the start of the performance period.
(b) If an employee's position or job title changes during the performance year, the evaluator shall establish a new performance plan no later than thirty (30) calendar days after the start of the position or job title change. The new performance plan shall become a part of the original performance year evaluation documentation.
(7) The evaluator shall meet with the employee when completing the performance plan to discuss job duties and expectations.
(8) The evaluator shall present and explain all documentation relevant to an employee's performance evaluation.
(9) The Personnel Cabinet or agency personnel shall provide supervisor evaluation training on the performance evaluation system.
(a) The appointing authority shall require that supervisor evaluation training is completed prior to completing performance planning, interim reviews, and annual evaluations of employees.
(b) The Personnel Cabinet shall monitor compliance with supervisor evaluation training requirements.
(10) An employee shall complete orientation to the performance evaluation system prior to January 1 of the employee's initial performance evaluation period.

Section 2. Employee Eligibility. Performance evaluations shall be completed for all full-time classified employees with status at the beginning of the performance year who have remained in continuous merit status throughout the performance year.

Section 3. Performance Planning. (1) The performance plan shall specify job competencies, goals, and expectations for the employee in categories established by the secretary.
(2) The employee's job duties and goals shall be consistent with the position description.
(3) The evaluator shall develop the performance plan after consultation with the employee.
(a) The employee and evaluator shall certify that the employee has met with the evaluator and is aware of the performance plan.
(b) The next line supervisor shall certify that he or she has reviewed the competencies and goals.

Section 4. Performance Coaching and Feedback. (1) Modification of the performance plan may occur during the performance evaluation period if the changes are consistent with the duties reflected on an employee's position description. The employee shall be given notice of changes to the performance plan.
(2) Interim reviews shall be required during a performance year as specified by the secretary.
(a) The evaluator shall document the interim reviews.
1. Interim reviews shall not contain a rating.
2. The interim section of the evaluation shall contain comments by the evaluator for each competency and goal.
(b) The evaluator shall schedule interim reviews to discuss performance. The employee and evaluator shall certify that the interim reviews occurred.
(c) For consideration in the annual year evaluation, the employee may submit pertinent comments relating to the interim review within five (5) working days of the interim review meeting.
(d) The mid-year interim review shall be completed no later than July 31 after the end of the interim review period, and the year-end interim review shall be completed no later than January 31 after the end of the interim review period.
(e) Interim reviews shall document performance to justify the annual performance rating.

Section 5. Performance Evaluations and Ratings. (1) Except as provided in Section 1(5)(d) of this administrative regulation, the evaluator and the employee shall meet no later than January 31 after the performance period ends to discuss the performance evaluation.
(2) Eligible employees shall be evaluated on job competencies, goals, and expectations set forth in his or her performance plan.
(3) The final performance evaluation shall consist of a defined rating as established by the secretary.
(4) Unresolved disagreements on ratings or any aspect of the performance evaluation shall be reviewed through the reconsideration process established in Section 7 of this administrative regulation.
(5) Signatures of the evaluator, employee, and next line supervisor shall be required on the final evaluation. For the purpose of evaluating or managing the performance of the evaluator, the next line supervisor's signature shall certify that he or she is aware of the evaluation and has reviewed it.

Section 6. Performance Incentives. Annual leave shall be awarded as a performance incentive as specified in KRS 18A.110(7)(j).

Section 7. Reconsideration and Appeal Process. (1) Within five (5) working days of the annual performance evaluation meeting, an employee may request reconsideration of the annual performance evaluation by the evaluator.
(2) If the employee refuses to sign the final evaluation, the evaluation shall not be eligible for reconsideration.

(3) Within five (5) working days of the receipt of the request for reconsideration, the initial reconsideration shall be conducted by the evaluator.

(4) The next line supervisor shall review the request for reconsideration within ten (10) working days of receipt of the request for reconsideration.

(5) The next line supervisor shall inform both the employee and evaluator of the decision.

(6) If neither the evaluator nor the next line supervisor responds to the request for reconsideration in the designated time period, the employee may submit a written request to the appointing authority for response to the request for reconsideration and compliance with this section.

(7) Within sixty (60) calendar days after an employee has received the reconsideration decision, the employee who has complied with this administrative regulation may appeal a final evaluation which has an overall rating in either of the two (2) lowest overall ratings to the Personnel Board.

Section 8. Evaluation-based Agency Action. If an employee receives an overall rating of unacceptable, the agency shall:

(1) Demote the employee to a position commensurate with the employee's skills and abilities; or

(2) Terminate the employee.

Section 9. Exceptions. (1) Except as requested in writing by the appointing authority and authorized by the secretary, all agencies shall comply with the provisions of this administrative regulation.

(2) If the secretary approves an exception, the exception decision shall be sent, in writing, to the appointing authority within ten (10) working days of receiving the request for exception.

(3) The written justification and the secretary's approval of the exception request shall be placed in the employee's agency personnel file.

Section 10. Applicability to the Unclassified Service. (1) Within an organizational unit, all unclassified employees in KRS Chapter 18A federally funded time-limited or grant funded time-limited positions may be subject to the provisions of this administrative regulation at the option of the appointing authority, except unclassified employees shall not be eligible for the performance incentive award specified in KRS 18A.110(7)(j).

(2) Evaluations performed pursuant to this section are final and shall not be appealable to the Personnel Board except as provided by KRS 18A.005(15).

THOMAS B. STEPHENS, Secretary

APPROVED BY AGENCY: May 10, 2019

FILED WITH LRC: May 15, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019 at 10:00 a.m. at 501 High Street, 3rd floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until 11:59 p.m. on June 30, 2019. 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: Rosemary Holbrook, Executive Director, Office of Legal Services, 501 High Street, 3rd floor, Frankfort, Kentucky 40601, phone: (502) 564-7430, fax: (502) 564-0224, email: RosemaryG.Holbrook@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Rosemary Holbrook

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the uniform employee performance management system.

(b) The necessity of this administrative regulation: This regulation is required to facilitate a change from a written to an electronic evaluation system for KRS Chapter 18A classified employees. The new electronic system being implemented involves ratings based upon core competencies, goals, and expectations as opposed to the current system's ratings based upon job duties and expectations. Additionally, the new system will not contain number scoring, but instead utilizes categories of descriptors for all employees, to allow for a more uniform rating of employees. The new electronic system will also allow for additional and improved feedback throughout the year, as compared to the current written system, regardless of supervisor/employee location.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 18A.030 requires the secretary to promulgate comprehensive administrative regulations consistent with the provisions of KRS Chapters 13A and 18A. Regulations which establish a uniform employee performance evaluation system are required pursuant to KRS 18A.110(1)(i) and (7)(j). KRS 18A.110(2) authorizes the secretary to promulgate comprehensive administrative regulations for the unclassified service.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes the uniform employee performance management system and explains how it is to be administered.

(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: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All KRS Chapter 18A classified employees and their agencies are affected. In addition, unclassified employees in KRS Chapter 18A federally funded time-limited or grant funded time-limited positions may be subject to the provisions of this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The Personnel Cabinet is responsible for communicating the changes to employees and agencies. No additional action is required for compliance by each regulated entity.

(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 additional costs anticipated to any entity identified above.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Efficiency and feedback will improve, but no additional benefits will accrue.

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

(a) Initially: This regulation is not anticipated to generate any new or additional costs.

(b) On a continuing basis: This regulation is not anticipated to generate any new or additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This regulation is not anticipated to generate any new or additional costs.

(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 regulation is not anticipated to generate any new or additional fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation is not anticipated to generate any new or additional fees.

(9) TIERING: Is tiering applied? No. This regulation treats all impacted entities the same.

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 state agencies with classified employees covered under KRS Chapter 18A. In addition, unclassified employees in KRS Chapter 18A federally funded time-limited or grant funded time-limited positions may be subject to the provisions of this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 18A.030 and KRS 18A.110(1)(i) (2) and (7)(j)

(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? No revenue will be generated.

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

(c) How much will it cost to administer this program for the first year? There are no estimated additional costs to administer the amendments to this regulation.

(d) How much will it cost to administer this program for subsequent years? There are no estimated additional costs to administer the amendments to this regulation.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FINANCE AND ADMINISTRATION CABINET
Department of Revenue
(Repealer)

103 KAR 15:061. Repeal of 103 KAR 15:060.

RELATES TO: KRS 141.042, 141.044, 141.300, 141.305, 141.990

STATUTORY AUTHORITY: KRS 131.130

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(1) authorizes the Department of Revenue to promulgate administrative regulations to administer and enforce Kentucky's tax laws. KRS 141.042(6), 141.300(6), and 141.305(6) require the department to provide for amended and short-year declarations of estimated tax. This administrative regulation establishes requirements for the declarations of estimated tax for individuals and corporations. With the passage of HB 354 during the 2019 Session of the Kentucky General Assembly, there is now sufficient guidance provided in both state and federal statutes to sufficiently explain the process for estimated tax. Therefore, this administrative regulation is no longer needed and will not be amended in the future.

Section 1. 103 KAR 15:060, Estimated tax; amended declarations; short years, is hereby repealed.

DANIEL BORK, Commissioner

APPROVED BY AGENCY: May 7, 2019

FILED WITH LRC: May 7, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 26, 2019 at 10:00 a.m. in Room 9B, State Office Building, 501 High Street, 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 the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Lisa Swiger, Tax Policy Research Consultant II, Department of Revenue, 501 High Street, Station 1, Frankfort, Kentucky 40601, phone (502) 564-9526, fax (502) 564-3875, email Lisa.Swiger@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Lisa Swiger

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 103 KAR 15:060. The authorizing statute(s) for this regulation now contains sufficient guidance without this regulation. (See the NECESSITY, FUNCTION & CONFORMITY statement.)

(b) The necessity of this administrative regulation: KRS 13A requires that all regulations made inactive or ineffective by statute revision, or that the promulgating agency anticipates will no longer be updated in the future, to be repealed.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation seeks to repeal a regulation that is no longer needed, and would eventually become deficient and in violation of KRS Chapter 13A if not repealed.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will insure that the Department of Revenue is in compliance with KRS Chapter 13A.

(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: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statues: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: None.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): None.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): None.

(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 the funding to be used for the implementation and enforcement of this administrative regulation: None.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: No increase in fees or funding will be necessary to implement this repeal.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No.

(9) TIERING: Is tiering applied? Tiering is not applied. The repeal of this administrative regulation will require all taxpayers previously impacted by its provisions to now reference the federal and/or state statutes for needed guidance.

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? Only the Finance and Administration Cabinet, Department of Revenue will be impacted.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS Chapter 13A and 131.130.

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. There will be no effect on expenditures and revenues for government agencies because of repealing this administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? None.

(d) How much will it cost to administer this program for subsequent years? None.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FINANCE AND ADMINISTRATION CABINET
Department of Revenue
(Repealer)

103 KAR 17:121. Repeal of 103 KAR 17:120.

RELATES TO: KRS 131.175, 131.180, 141.050, 141.300, 141.305, 141.990

STATUTORY AUTHORITY: KRS 131.130(1), 131.175, 141.050(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(1) authorizes the Department of Revenue to promulgate administrative regulations to administer and enforce Kentucky's tax laws. KRS 131.175 authorizes the commissioner to waive penalties if the failure to file or pay timely is due to reasonable cause. This administrative regulation establishes exceptions to the application of estimated tax penalties provided in KRS 141.990(2) and 131.180(3). With the passage of HB 354 during the 2019 Session of the Kentucky General Assembly, there is now sufficient guidance provided in both state and federal statutes to sufficiently explain the exceptions to the application of estimated tax penalties. Therefore, this administrative regulation is no longer needed and will not be amended in the future.

Section 1. 103 KAR 17:120, Estimated tax penalty is hereby repealed.

DANIEL BORK, Commissioner

APPROVED BY AGENCY: May 7, 2019

FILED WITH LRC: May 7, 2019 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 26, 2019 at 10:00 a.m. in Room 9B, State Office Building, 501 High Street, 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 the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. 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: Lisa Swiger, Tax Policy Research Consultant II, Department of Revenue, 501 High Street, Station 1, Frankfort, Kentucky 40601, phone (502) 564-9526, fax (502) 564-3875, email Lisa.Swiger@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 103 KAR 17:120. The authorizing statute(s) for this regulation now contains sufficient guidance without this regulation. (See the NECESSITY, FUNCTION & CONFORMITY statement.)

(b) The necessity of this administrative regulation: KRS Chapter 13A requires that all regulations made inactive or ineffective by statute revision, or that the promulgating agency anticipates will no longer be updated in the future, to be repealed.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation seeks to repeal a regulation that is no longer needed, and would eventually become deficient and in violation of KRS Chapter 13A if not repealed.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will insure that the Department of Revenue is in compliance with KRS Chapter 13A.

(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: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statues: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: None.

(4) Provide an analysis of how the entities identified in question

(3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): None.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): None.

(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 the funding to be used for the implementation and enforcement of this administrative regulation: None.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: No increase in fees or funding will be necessary to implement this repeal.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No.

(9) TIERING: Is tiering applied? Tiering is not applied. The repeal of this administrative regulation will require all taxpayers previously impacted by its provisions to now reference the federal and/or state statutes for needed guidance.

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? Only the Finance and Administration Cabinet, Department of Revenue will be impacted.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS Chapter 13A and 131.130.

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. There will be no effect on expenditures and revenues for government agencies because of repealing this administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? None.

(d) How much will it cost to administer this program for subsequent years? None.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FINANCE AND ADMINISTRATION CABINET
Office of Financial Management
(Repealer)

200 KAR 14:201. Repeal of 200 KAR 14:200.

RELATES TO: KRS 41.600-41.620

STATUTORY AUTHORITY: KRS 41.606(1), (2), (5)-(7), 42.510(3), 42.525

NECESSITY, FUNCTION, AND CONFORMITY: KRS 41.600, 41.606, 41.610, 42,510 established the statutory authority for the Linked Deposit Investment Program and the conditions for which small businesses and agribusiness were eligible for loans through the program. HB 204 of the 2019 Regular Session of the Kentucky General Assembly repealed the Linked Deposit Investment Program and the authorizing statutes. Therefore, this administrative regulation is no longer needed.

Section 1. 200 KAR 14:200, Linked Deposit Investment Program is hereby repealed.

WILLIAM M. LANDRUM III, Secretary

APPROVED BY AGENCY: May 13, 2019

FILED WITH LRC: May 13, 2019 at 3 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June (21) 2019 at 10:00 a.m. in Room 182 of the Capitol Annex Building, 702 Capital Avenue, 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 the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be produced unless a written request for a transcript is received. 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 June 30, 2019. 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: Tammy McCall, Program Cordinator, Office of Financial Management, 702 Capital Avenue, Frankfort, Kentucky 40601, Frankfort, Kentucky 40601, phone (502) 564-2924, fax (502) 564-7416, email Tammy.McCall@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Tammy McCall

(1) Provide a brief summary of:

(a) What this administrative regulation does: Repeals 200 KAR 14:200 regarding the Linked Deposit Investment Program. HB 204 of the 2019 Regular Session of the Kentucky General Assembly repealed the Linked Deposit Investment Program and its authorizing statutes. Therefore, this administrative regulation is no longer authorized.

(b) The necessity of this administrative regulation: To comply with KRS Chapter 13A. See (1)(c).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS Chapter 13A requires that all regulations made inactive or ineffective by statute revision, or that will no longer be updated by the promulgating agency, to be repealed.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It will assist the cabinet with compliance with KRS chapter 13A.

(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: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statues: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: None.

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

amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): None.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): None.

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

(a) Initially: Current agency funding will be used to implement this amendment.

(b) On a continuing basis: No additional funding will be used.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: None, as this regulation will be repealed.

(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: None.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased by this regulation.

(9) TIERING: Is tiering applied? Tiering is not applied since no regulated entities will be affected by the repeal of this administrative regulation.

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, Office of Financial Management will be impacted.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS Chapter 13A and 42.525.

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. There will be no effect on expenditures and revenues for government agencies.

(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. This regulation is repealing another regulation that no longer has statutory authority to provide guidance. No new revenue will be generated going forward.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? None.

(d) How much will it cost to administer this program for subsequent years? None.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

BOARDS AND COMMISSIONS
Kentucky Board of Podiatry
(Repealer)

201 KAR 25:062. Repeal of 201 KAR 25:061.

RELATES TO: KRS 311.475(2)

STATUTORY AUTHORITY: KRS 311.410(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.410 establishes the State Board of Podiatry and authorizes it to make all rules and regulations, not inconsistent with KRS 311.390 to 311.510, as may be necessary to carry out KRS 311.390 to 311.510. This administrative regulation repeals 201 KAR 25:061 because the board has determined it is unnecessary to have a separate regulation setting forth the process for reciprocal licensure.

Section 1. 201 KAR 25:061, Reciprocity, is hereby repealed.

ANN K. FARRER, MD, Chair

APPROVED BY AGENCY: May 1, 2019

FILED WITH LRC: May 2, 2019 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 10:00 a.m. on June 28, 2019 at the Department of Professional Licensing, 911 Leawood 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 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 through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: David Trimble, Board Counsel, 911 Leawood Dr., Frankfort, Kentucky 40601, phone (502)782-8223, fax (502) 564-4818, email davidc.trimble@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: David Trimble

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 201 KAR 25:061 because the Board has determined it is unnecessary to have a separate administrative regulation governing reciprocity. The Federation of Podiatric Medicine Boards is considering development of an Interstate Compact, which will greatly simplify license reciprocity for podiatrists.

(b) The necessity of this administrative regulation: This administrative regulation repeals 201 KAR 25:061 because the Board has determined it is unnecessary to have a separate administrative regulation governing reciprocity.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 311.410 establishes the State Board of Podiatry and authorizes it to make all rules and regulations, not inconsistent with KRS 311.390 to 311.510, as may be necessary to carry out KRS 311.390 to 311.510.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation repeals 201 KAR 25:061 because the Board has determined it is unnecessary to have a separate administrative regulation governing reciprocity.

(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 is a repealer.

(b) The necessity of the amendment to this administrative regulation: This is a repealer.

(c) How the amendment conforms to the content of the authorizing statutes: This is a repealer.

(d) How the amendment will assist in the effective administration of the statutes: This is a repealer.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This repealer will affect podiatrists from other states seeking licensure in Kentucky through reciprocity.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Podiatrists licensed in other jurisdictions seeking licensure in Kentucky will no longer have to comply with this administrative regulation. Instead, the board can apply the plain language of KRS 311.475, which grants it the authority to issue podiatry licenses by reciprocity or endorsement, and without further examination, to persons who have been duly licensed upon written examination in another state having qualifications and standards at least as high as those of this state, or who have successfully passed an examination conducted by the National Board of Podiatry Examiners.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There will be no cost to the identified entities to comply with this repealer.

(c) As a result of compliance, what benefits will accrue to the entities: As a result of this repealer, applicants licensed in other jurisdictions seeking licensure as a podiatrist in Kentucky will no longer have to provide three (3) affidavits attesting to good moral character in every instance.

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

(a) Initially: There will be no initial cost to the administrative body to implement this repealer.

(b) On a continuing basis: There will be no continuing basis cost to the administrative body to implement this repealer.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funds are necessary for the implementation of this repealer.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this repealer.

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

(9) TIERING: Is tiering applied? Tiering is not applied because this is a repealer.

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? This administrative regulation will affect the Kentucky Board of Podiatry.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 311.410 establishes the State Board of Podiatry and authorizes it to make all rules and regulations, not inconsistent with KRS 311.390 to 311.510, as may be necessary to carry out KRS 311.390 to 311.510.

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This repealer will not generate revenue for the state or local government for the first year.

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

(c) How much will it cost to administer this program for the first year? There will be no cost to administer this repealer for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no cost to administer this repealer for subsequent years.

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

Revenues (+/-): Neutral.

Expenditures (+/-): Neutral.

Other Explanation: None.

GENERAL GOVERNMENT
Department of Agriculture
Office of Consumer and Environmental Protection
(Repealer)

302 KAR 78:021. Repeal of 302 KAR 78:020.

RELATES TO: KRS 438.305-438.340

STATUTORY AUTHORITY: KRS 438.340

NECESSITY, FUNCTION, AND CONFORMITY: KRS 438.305 to 438.340 requires a seller of tobacco products to obtain proof of the age of a prospective buyer or recipient of tobacco products if he has reason to believe the prospective buyer or recipient is under eighteen (18) years old; the establishment of the types of documentation accepted as proof of age; and notification of the employees of a seller of tobacco products and of the public of the requirements of KRS 438.305 to 438.340.This administrative regulation repeals 302 KAR 78:020 because the provisions of the administrative regulation are now found in statute and in federal regulation.

Section 1. 302 KAR 78:020, Use, sale and distribution of tobacco products, is hereby repealed.

RYAN F. QUARLES, Commissioner

APPROVED BY AGENCY: April 24, 2019

FILED WITH LRC: May 7, 2019 at 1 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2019 at 11:00 a.m., at the Kentucky Department of Agriculture, 111 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 through June 30, 2019. 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, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 330-6360, fax (502) 564-2133, email clint.quarles@ky.gov.

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 repeals the current administrative regulation that established requirements for sale of tobacco products.

(b) The necessity of this administrative regulation: The KRS provisions formally required the Department of Agriculture to establish warning sign requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The current administrative regulation complied with the KRS mandates at the time of its filing. Those

mandates are now entirely found in statutes and FDA

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer will make administration of the program easier as it will reduce redundancy for retailers.

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

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

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

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

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The KDA does not maintain a database an does not know an exact number. More than twenty five thousand is the guess of staff.

(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 effected by this repealer will need to do nothing to comply, as the requirements are already found elsewhere.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Nothing

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease.

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

(a) Initially: No costs.

(b) On a continuing basis: No costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No source funds are required.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees are associated with this repealer.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are established in any form.

(9) TIERING: Is tiering applied? No. All regulated entities have 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 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. No KRS remains to authorize this administrative regulation.

(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? There are no anticipated impacts to state or local government associated with this repealer.

(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? There are no anticipated impacts to state or local government associated with this repealer.

(c) How much will it cost to administer this program for the first year? There are no anticipated impacts to state or local government associated with this repealer.

(d) How much will it cost to administer this program for subsequent years? There are no anticipated impacts to state or local government associated with this repealer.

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
Department of Agriculture
Office of the State Veterinarian
(New Administrative Regulation)

302 KAR 101:010 Training Requirement for Kentucky Animal Control Officers.

RELATES TO: KRS Chapter 258

STATUTORY AUTHORITY: KRS 258.117, 258.119

NECESSITY, FUNCTION, AND CONFORMITY: KRS 258.117(1) creates the Animal Control Advisory Board, and establishes "creating training programs" as one of the board's purposes. KRS 258.119 requires that county applicants for grants from the board have an "animal care control and care program". This program requires that the county employ an Animal Control Officer who has a high school degree and has completed the training requirements set forth by the board. This administrative regulation establishes those training requirements.

Section 1. Training Requirement for Kentucky Animal Control Officers. (1) The required training shall be Kentucky Animal Care & Control Association's Basic Animal Control Officer online training program.

(2) Persons seeking this certification shall do so online by following the links at www.kyagr.com or www.kyspaynueter.com.

(3) This training shall be offered at no cost to the counties. Access to the course may be limited based on capacity of the online system.

(4) Counties employing the Animal Control Officer shall maintain records of certification completion for a minimum period of five (5) years. Counties shall forward proof of certification to the Kentucky Department of Agriculture.

(5) All new Animal Control Officers shall complete this training as part of their hiring or orientation program beginning January 1, 2020.

(6) All Animal Control Officers shall complete this training by June 30, 2020.

RYAN QUARLES, Commissioner

APPROVED BY AGENCY: April 16, 2019

FILED WITH LRC: May 7, 2019 at 1 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2019 at 11:00 a.m., at the Kentucky Department of Agriculture, 111 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 through June 30, 2019. 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, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 330-6360, fax (502) 564-2133, email clint.quarles@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Clint Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes training for Animal Control Officers in the Commonwealth.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the required training for ACOs in the Commonwealth, so that counties may have an animal care control and care program.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 258.117 creates the Animal Control Advisory Board, and establishes the creating of training programs as a purpose for the board. KRS 258.119 requires that county applicants for grants from the ACAB have an animal care control and care program. This program requires that the county employ an animal control officer who has a high school degree, and has completed the training requirements set forth by the board. This administrative regulation establishes those training requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in effective administration by making rules for training clear and uniform across the Commonwealth.

(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 is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All 120 counties and the Kentucky Department of Agriculture shall be affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Counties shall be required to hire an ACO with the required training, or have a current ACO complete the training.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No fees are required for access to the training or materials. The counties may be responsible for employee time taken to complete the training.

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

(a) Initially: Possibly the time spent on salary to obtain the training.

(b) On a continuing basis: Possibly the time spent on salary to obtain the training.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This administrative regulation does not establish fees. Counties may need to allocate employee time for completion.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees are necessary at this time.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are established.

(9) TIERING: Is tiering applied? No. All regulated entities have 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? All 120 counties and the Kentucky Department of Agriculture shall be affected by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 258.117, KRS 258.119.

(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? No revenue will be generated.

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

(c) How much will it cost to administer this program for the first year? KDA staff time will be required for record keeping. Costs will be very minimal.

(d) How much will it cost to administer this program for subsequent years? KDA staff time will be required for record keeping. Costs will be very minimal.

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 or negligible.

Other Explanation:

PUBLIC PROTECTION CABINET
Department Of Insurance
(Repealer)

806 KAR 9:341. Repeal of 806 KAR 9:340.

RELATES TO: KRS 304.9-080, 304.9-105, 304.9-130, 304.9-140, 304.9-150, 304.9-160, 304.9-190, 304.9-200, 304.9-260(3), 304.9-270, 304.9-280, 304.9-295, 304.9-320, 304.9-430, 304.9-432, 304.9-505(4), 304.9-705, 304.15-700

STATUTORY AUTHORITY: KRS 304.2-110(1), 304.9-160(1), 304.9-230(2), 304.9-295(9), 304.9-430(1), 304.15-700, 304.15-720

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation repeals 806 KAR 9:340, which previously contained all incorporated forms related to insurance producer licensing in violation of KRS 13A.221(3). The incorporated forms are either being eliminated or are being promulgated as material incorporated by reference in the administrative regulations governing their individual subject matters.

Section 1. 806 KAR 9:340, Forms for application, appointment, prelicensing and continuing education course completion, examination retake, provider and course approval, filing fee submission, instructor approval, continuing education attendance roster and certificate of completion, specialty credit insurance producer supplement to license application, rental vehicle license supplemental application, continuing education certificate of completion, rental vehicle managing employee, continuing education certificate of completion, unlicensed employees and representatives of rental vehicle agent, record correction, and background check request, is hereby repealed.

NANCY ATKINS, Commissioner
K. GAIL RUSSELL, Secretary

APPROVED BY AGENCY: May 14, 2019

FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on June 25, 2019 at 215 W. Main St., Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Patrick O'Connor, Deputy Commissioner, 215 W. Main St., Frankfort, Kentucky 40601, phone 502-782-5262, fax 502-564-1453, email patrick.oconnor@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Patrick O'Connor

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 806 KAR 9:340, which previously contained all incorporated forms related to insurance producer licensing. The incorporated forms are either being eliminated or are being repromulgated as material incorporated by reference in the regulations governing their individual subject matters.

(b) The necessity of this administrative regulation: This administrative regulation repeals 806 KAR 9:340, which previously contained all incorporated forms related to insurance producer licensing in violation of KRS 13A.221(3). The incorporated forms are either being eliminated or are being repromulgated as material incorporated by reference in the regulations governing their individual subject matters.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This is a repealer.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This is a repealer.

(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 is a repealer.

(b) The necessity of the amendment to this administrative regulation: This is a repealer.

(c) How the amendment conforms to the content of the authorizing statutes: This is a repealer.

(d) How the amendment will assist in the effective administration of the statutes: This is a repealer.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All insurance producers in the Commonwealth will be affected by this repealer.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Insurance producers looking for incorporated forms will now find them in the subject matter regulations instead of this generalized regulation being repealed.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There will be no cost to regulated entities from this repealer.

(c) As a result of compliance, what benefits will accrue to the entities: This is a repealer.

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

(a) Initially: There is no cost to administer this repealer.

(b) On a continuing basis: There is no cost to administer this repealer.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is necessary to implement this repealer.

(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 repealer.

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

(9) TIERING: Is tiering applied? Tiering is not applied because this is a repealer.

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 Insurance will be affected.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 304.110(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. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate any revenue for state or local government.

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

(c) How much will it cost to administer this program for the first year? There is no cost to administer this repeal of administrative regulation.

(d) How much will it cost to administer this program for subsequent years? There is no cost to administer this repeal of administrative regulation.

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: None.

PUBLIC PROTECTION CABINET
Department Of Insurance
(Repealer)

806 KAR 15:081. Repeal of 806 KAR 15:080.

RELATES TO: KRS 304.2-110

STATUTORY AUTHORITY: KRS 304.2-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes the Commissioner of Insurance to make reasonable rules and regulations necessary for or as an aid to the effectuation of any provision of the Kentucky insurance code. This administrative regulation repeals 806 KAR 15:080, Paid-up life insurance policies, because House Bill 275, passed during the

2019 Regular Session of the General Assembly, repealed KRS 304.15-175, Notice by insurer of paid-up life insurance policy. In the absence of a requirement for such notices, there is no need for an administrative regulation specifying their contents.

Section 1. 806 KAR 15:080, Paid-up life insurance policies, is hereby repealed.

NANCY G. ATKINS, Commissioner
K. GAIL RUSSELL, Secretary
APPROVED BY AGENCY: May 14, 2019
FILED WITH LRC: May 15, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on June 25, 2019 at 215 W. Main St., Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Patrick O'Connor, Deputy Commissioner, 215 W. Main St., Frankfort, Kentucky 40601, phone 502-82-5262, fax 502-564-1453, email patrick.oconnor@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Patrick O'Connor

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 806 KAR 15:080 because House Bill 275, passed during the 2019 Regular Session of the General Assembly, repealed KRS 304.15-175.

(b) The necessity of this administrative regulation: House Bill 275, passed during the 2019 Regular Session of the General Assembly, repealed KRS 304.15-175, thereby eliminating the requirement that insurers provide specific notices regarding paid-up life insurance policies. Because 806 KAR 15:080 established required language for notices that will no longer be required, it should be repealed.

(c) How this administrative regulation conforms to the content of the authorizing statutes: House Bill 275, passed during the 2019 Regular Session of the General Assembly, repealed KRS 304.15-175, thereby eliminating the requirement that insurers provide specific notices regarding paid-up life insurance policies. Because 806 KAR 15:080 established required language for notices that will no longer be required, it should be repealed.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: House Bill 275, passed during the 2019 Regular Session of the General Assembly, repealed KRS 304.15-175, thereby eliminating the requirement that insurers provide specific notices regarding paid-up life insurance policies. Because 806 KAR 15:080 established required language for notices that will no longer be required, it should be repealed.

(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 is a repealer.

(b) The necessity of the amendment to this administrative regulation: This is a repealer.

(c) How the amendment conforms to the content of the authorizing statutes: This is a repealer.

(d) How the amendment will assist in the effective administration of the statutes: This is a repealer.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This repealer will affect life insurance providers in the Commonwealth by reducing their notification burden.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: No action will be necessary to comply with this repealer.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: No action will be necessary to comply with this repealer.

(c) As a result of compliance, what benefits will accrue to the entities: This repealer will affect life insurance providers in the Commonwealth by reducing their notification burden.

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

(a) Initially: There is no cost attached to this repealer.

(b) On a continuing basis: There is no cost attached to this repealer.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is needed for the implementation and enforcement of this repealer.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees are needed for the implementation and enforcement of this repealer.

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

(9) TIERING: Is tiering applied? No. Tiering is not applied because this is a repealer.

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 Insurance will be affected by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 304.2-110

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for state or local government.

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

(c) How much will it cost to administer this program for the first year? There is no cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There is no cost to administer this program for subsequent years.

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

Revenues (+/-): Neutral.
Expenditures (+/-): Neutral.
Other Explanation: None.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of May 14, 2019

Call to Order and Roll Call

The May meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, May 14, 2019 at 1:00 p.m. In Room 149 of the Capitol Annex. Representative Hale, Co-Chair, called the meeting to order, the roll call was taken. The minutes of the April 2019 were approved.

Present were:

Members: Senators Alice Forgy Kerr, Julie Raque Adams, and Stephen West. Representatives David Hale, Deanna Frazier, Marylou Marzian, and Tommy Turner.

LRC Staff: Sarah Amburgey, Stacy Auterson, Emily Caudill, Betsy Cupp, Ange Darnell, Emily Harkenrider, Karen Howard, and Carrie Klaber.

Guests: Wayne Lewis, Cassie Trueblood, Education Professional Standards Board; Rosemary Holbrook, Personnel Cabinet; Beau Barnes, Teachers' Retirement Systems; Joe Donahue, State Board of Accountancy; Elizabeth Morgan, Board of Medical Imaging and Radiation Therapy; Philip Dietz, Ashley Powell, John Wood, Board of Emergency Medical Services; Steven Fields, Daniel Schulman, Karen Waldrop, Department of Fish and Wildlife Services; Jennifer Fraker, Lauren Gallicchio, Jennifer Stafford, Department of Education; Brian Black, Kristi Lowry, Labor Cabinet; Michael Swansburg, Robert Swisher, Department of Workers' Claims; Michael Mullins, Jim Vicini, Department of Natural Resources, Patrick O'Connor, Department of Insurance; Jonathan Scott, Department of Medicaid Services; Laura Begin, Kara Daniel, Todd Trapp, Department for Community Based Services; Rebecca Ingram, Richard Innes, Anne-Tyler Morgan, Carly Muetterties, Peter Naake, Seth Rosenhagen, Wesley Wei.

The Administrative Regulation Review Subcommittee met on Tuesday, May 14, 2019, and submits this report:

Administrative Regulations Reviewed by the Subcommittee:
EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Education Professional Standards Board: Administrative Certificates

16 KAR 3:011. Repeal of 016 KAR 003:010, 016 KAR 003:020, 016 KAR 003:040, and 016 KAR 003:050. Wayne Lewis, commissioner, and Cassie Trueblood, policy advisor and counsel, represented the board.

A motion was made and seconded to approve the following amendment: to add the RELATES TO and STATUTORY AUTHORITY paragraphs to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.

16 KAR 3:090. Certifications for advanced educational leaders.

A motion was made and seconded to approve the following amendments: (1) to amend the TITLE, Sections 5 through 9, and material incorporated by reference to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 3 to add additional requirements and guidelines for advanced educational leadership-school principal and career and technical school principal applicants. Without objection, and with agreement of the agency, the amendments were approved.

PERSONNEL CABINET: Classified

101 KAR 2:034. Classified compensation administrative regulations. Mary Elizabeth Bailey, commissioner, Department of Human Resources and Administration, and Rosemary Holbrook, general counsel, represented the cabinet.

A motion was made and seconded to approve the following amendments: to amend Sections 2 and 9 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Unclassified

101 KAR 3:045. Compensation plan and pay incentives for unclassified service.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 5 and 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

FINANCE AND ADMINISTRATION CABINET: Teachers' Retirement System: **General Rules**

102 KAR 1:060. Refunds. Beau Barnes, deputy executive secretary of operations and general counsel, represented the system.

In response to a question by Co-Chair West, Mr. Barnes stated that revisions to this administrative regulation clarified, but did not substantively change, the process for refunding members' accounts.

In response to a question by Representative Marzian, Mr. Barnes stated that the agency amendment expedited the process for a surviving beneficiary to obtain benefits due.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 4 and 5 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 4 to delete language pertaining to the time frame for processing a refund to a deceased member's estate. Without objection, and with agreement of the agency, the amendments were approved.

BOARDS AND COMMISSIONS: State Board of Accountancy

201 KAR 1:290. Standards of Practice. Joe Donohue, counsel, represented the board.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, 4, and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 1:300. Rules of professional conduct.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 2 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 1:310. Expungement of minor violation.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, 4, and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Board of Medical Imaging and Radiation Therapy

201 KAR 46:010. Definitions for 201 KAR Chapter 046. Elizabeth Morgan, executive director, represented the board.

A motion was made and seconded to approve the following amendments: to amend Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 46:020. Fees.

201 KAR 46:030. Education for medical imaging technologists, advanced imaging professionals, nuclear medicine technologists, radiographers, and radiation therapists.

201 KAR 46:040. Medical imaging technologist, advanced imaging professional, radiographer, nuclear medicine technologist, and radiation therapist licenses.

201 KAR 46:045. Temporary license application for medical imaging technologists, advanced imaging professionals, radiographers, nuclear medicine technologists, and radiation therapists.

201 KAR 46:081. Limited x-ray machine operator.

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM: Board of Emergency Medical Services

202 KAR 7:520. Allocation of block grant funding assistance for emergency medical services. Philip Dietz, chair; Ashley Powell, vice chair; and John Wood, counsel, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph; Sections 1 through 3, 5, 6, and 10; and material incorporated by reference to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 2 to clarify that all awarded grant funds, except approved carry-over funds, shall be expended by June 30 of the fiscal year of award. Without objection, and with agreement of the agency, the amendments were approved.

202 KAR 7:575. Posting of fee schedules of licensed ambulance providers.

In response to questions by Co-Chair Hale, Mr. Powell stated that the fee schedule established in this administrative regulation included fees for air ambulance service. Those fees were posted to the ambulance provider's Web site and were available upon request, including upon request at the scene of an emergency. Fees varied depending on the distance from the scene of emergency to the medical facility or from medical facility to medical facility.

A motion was made and seconded to approve the following amendments: (1) to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and Sections 1 through 5 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 5 to revise material incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Hunting and Fishing

301 KAR 3:091. Repeal of 301 KAR 003:090. Steven Fields, staff attorney; Daniel Schulman, staff attorney; and Karen Waldrop, deputy commissioner, represented the department.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Kentucky Board of Education: Department of Education: Office of Instruction

704 KAR 3:303. Required Academic Standards. Jennifer Fraker, policy advisor; Lauren Gallicchio, social studies consultant; Wayne Lewis, commissioner; and Jennifer Stafford, director of assessment, represented the department. Rebecca Ingram, teacher, Jefferson County Public Schools; Carly Muetterties, executive director, Kentucky Council for the Social Studies; and Wesley Wei, student graduate, appeared in support of 704 KAR 8:060. Richard Innes, volunteer staff education analyst, Bluegrass Institute, appeared in opposition to 704 KAR 8:060.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY paragraph and Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Academic Standards

704 KAR 8:060. Required Academic Standards for Social Studies.

In response to a question by Co-Chair Hale, Mr. Lewis stated that this administrative regulation revised Kentucky's academic standards for social studies in accordance with Senate Bill 1 from the 2017 Regular Session of the General Assembly (SB1-2017), which required that Kentucky's academic standards be revised by Kentucky teachers and other stakeholders. By statute, Kentucky's curriculum, based on the academic standards framework, was developed at the school level, through school-based decision-making councils (SBDMs). Ms. Gallicchio stated that the proposed academic standards for social studies were divided into four (4) disciplines, including geography, civics, economics, and history. The studies were to be inquiry based, with a balance between skills and content. Ms. Fraker stated that the academic standards for social studies were developed by the teacher-writer teams in careful adherence to the process requirements established in SB1-2017.

In response to a question by Co-Chair Hale, Mr. Innes requested that the subcommittee find this administrative regulation deficient because it was incomplete. He stated that the department needed to amplify this framework and provide clarifying details. The academic standards for social studies focused excessively on process, while lacking sufficient content. For example, neither Abraham Lincoln nor Dr. Martin Luther King Jr. were referenced, and terms such as "north pole," "south pole," and "equator" were absent. While SBDMs were tasked with developing curriculum, that curriculum was required to comply with the academic standards established in this administrative regulation. SBDMs needed much more guidance than this framework provided. SB1-2017 prohibited statewide assessments on standards not included in the academic standards approved by the Kentucky Board of Education; therefore, students would not be tested on material not included in this administrative regulation. Because curriculum was determined primarily based on assessments, important social studies components might not be taught. There were many nationally recognized disciplines beyond geography, civics, economics, and history, which were important to social studies, including anthropology, archaeology, the law, philosophy, political science, psychology, religion, sociology, and the humanities. SBDMs should be consistent across Kentucky regarding the basic components of social studies. Donnie Wilkerson, Kentucky's 2011 History Teacher of the Year, who was unable to attend today's subcommittee meeting, was opposed to this administrative regulation and believed some of the material was not age appropriate.

In response to a question by Co-Chair Hale, Ms. Muetterties stated that the Kentucky Council for the Social Studies supported this administrative regulation. These academic standards for social studies were written, revised, and supported by Kentucky teachers. These rigorous standards provided flexibility for inclusive content, rather than an exhaustive list of content standards, and criticism of the lack of content detail was misplaced. These standards served as a framework, constituting the goals for student learning, while curriculum was what was taught and how, based on these standards. Academic standards were not designed as a subject index. For example, the Next Generation Science Standards required considering the properties of water and how those properties affected the planet, but the standards did not reference "oxygen" or "hydrogen." Social studies was more than memorizing a list of content. Mr. Wei stated that, as a 2017 Kentucky graduate, he supported this administrative regulation. Inquiry-based learning was a very important method for teaching social studies. Mr. Wei was majoring in Education Policy at Vanderbilt University in Nashville and became interested in pursuing this major as a result of being introduced to inquiry-based learning in Kentucky schools. He was interning at the Learning Policy Institute in Washington D.C., which focused on academic standards development, and he worked with the Kentucky Department of Education where he observed these academic standards for social studies being developed by teacher groups.

In response to a question by Co-Chair Hale, Ms. Ingram stated that, as an instructional coach in Jefferson County, she believed that the proposed academic standards for social studies would provide students with the tools necessary to shape the future. These standards were developed in accordance with SB1-2017. These standards allowed flexibility to develop unique learning experiences. Content details would develop inherently from the academic standards framework topics. For example, archeology would be a natural topic related to the academic standard of the development

and rise of early civilizations. Factual information was easily attainable, but the ability to be problem solvers and to make choices based on an understanding of social studies was important. It was crucial to teach students how to think and problem solve.

In response to a question by Co-Chair Hale, Mr. Lewis stated that Mr. Innes made tremendous contributions to education in Kentucky, and he was highly respected for his concern regarding academic standards. The authority to develop curriculum through SBDMs was required by state law; therefore, the academic standards for social studies were developed accordingly.

In response to questions by Co-Chair West, Ms. Gallicchio stated that SB1-2017 established a step-by-step process for the development of academic standards. That process was adhered to by the development team. In January 2018, a public comment period was conducted regarding the current academic standards for social studies. Applications were accepted for teacher-writers to comprise the development team. New standards were developed between March and December 2018, including focus groups. The first draft was released through another public comment period. Comments were received, and revisions were made based on the public comments. The Interim Joint Committee on Education and the Kentucky Board of Education both reviewed the developing standards. Mr. Lewis stated that the standards were revised at each point in the process. The Interim Joint Committee on Education and the Kentucky Board of Education, pursuant to SB1-2017, provided oversight regarding the process of developing the standards. Ms. Fraker stated that this process actually began in 2013, and extensive public comments were considered during the development of these standards. The Standards and Assessment Process Review Committee also reviewed these standards. Mr. Lewis stated that there was a fundamental difference of agreement regarding assessment of content. Content may be part of an academic standard without being explicitly referenced. For example, it was difficult to imagine teaching a lecture on the American Civil Rights Movement without including information regarding Rosa Parks and Dr. Martin Luther King, Jr. Ms. Gallicchio stated that other states developed curriculum very differently than as required by Kentucky law. SB1-2017 specifically required fewer but more in-depth academic standards. Mr. Lewis stated that SBDM-determined curriculum varied significantly in quality across Kentucky. SBDMs received guidance, but more work was necessary to educate the SBDMs themselves. Ms. Fraker stated that there were numerous opportunities for professional development related to SBDMs.

In response to a question by Co-Chair Hale, Ms. Gallicchio stated that there was more emphasis on Kentucky-specific studies than in the previous academic standards for social studies.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

LABOR CABINET: Division of Occupational Safety and Health Compliance: Division of Occupational Safety and Health Education and Training

803 KAR 2:180. Recordkeeping, reporting, statistics. Brian Black, occupational safety and health standards specialist, and Kristi Lowry, occupational safety and health standards specialist, represented the division.

ENERGY AND ENVIRONMENT CABINET: Department for Natural Resources: Division of Mine Safety: **Mining Safety Standards**

805 KAR 3:100. Equipment use and operation. Michael Mullins, regulation coordinator, and Jim Vicini, director, represented the division.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

PUBLIC PROTECTION CABINET: Department of Insurance: Surplus Lines

806 KAR 10:030. Surplus lines reporting and tax payment structure. Patrick O'Connor, deputy commissioner, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General: Division of Program Integrity

907 KAR 5:005. Health Insurance Premium Payment (HIPP) Program. Jonathan Scott, legislative and regulatory advisor, represented the division.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph; Sections 2, 6, 8, and 15; and material incorporated by reference to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 5 to extend the deadline for reporting changes in health insurance coverage from ten (10) to thirty (30) days. Without objection, and with agreement of the agency, the amendments were approved.

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. Laura Begin, regulation coordinator; Kara Daniel, regulation coordinator; and Todd Trapp, assistant director, represented the division.

Other Business: Senator Kerr moved to nominate Senator Stephen West as Senate Co-Chair of the subcommittee. Senator Raque Adams seconded the motion and moved to cease nominations. Senator Kerr seconded that motion and, with acclimation and without objection, Senator West was elected Senate Co-Chair. Representative Marzian moved to nominate Representative David Hale as House Co-Chair of the subcommittee. Representative Turner seconded the motion. Representative Marzian moved to cease nominations. Representative Frazier seconded that motion and, with acclimation and without objection, Representative Hale was elected House Co-Chair.

The following administrative regulations were deferred or removed from the May 14, 2019, subcommittee agenda:

STATE BOARD OF ELECTIONS: Forms and Procedures

31 KAR 4:120. Additional and emergency precinct officers.

Department for Facilities and Support Services: State-owned Buildings and Grounds

200 KAR 3:020 & E. Use of State-owned facilities and grounds.

BOARDS AND COMMISSIONS: Board of Social Work

201 KAR 23:150. Complaint procedure, disciplinary action, and reconsideration.

ENERGY AND ENVIRONMENT CABINET: Department for Natural Resources: Division of Mine Permits: Bond and Insurance Requirements

405 KAR 10:001. Definitions for 405 KAR Chapter 010.

405 KAR 10:015. General bonding provisions.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Driver Licensing: Ignition Interlock

601 KAR 2:030 & E. Ignition interlock.

LABOR DEPARTMENT: Department of Workers' Claims

803 KAR 25:270 & E. Pharmaceutical formulary. Michael Swansburg, deputy secretary and general counsel, and Robert Swisher, commissioner, represented the department. Anne-Tyler Morgan, attorney, Rx Development Associates, and Peter Naake, president, Kentucky Workers' Association, appeared in opposition to this administrative regulation.

In response to a question by Co-Chair Hale, Ms. Morgan stated that Rx Development Associates was opposed to this administrative regulation because the requirement that drugs dispensed by an entity other than a pharmacist required prior authorization was beyond the jurisdiction of the department and the scope of this administrative regulation. Boards of licensure were authorized to establish who was authorized to dispense drugs. This administrative regulation should be revised to remove that requirement, which should be addressed by the appropriate board of licensure, rather than the department.

In response to a question by Co-Chair Hale, Mr. Naake stated that the Kentucky Workers' Association appreciated the department's effort in developing this complex policy but was opposed to this administrative regulation because an injured worker would not be given notice of a prescription denied based on prior authorization required by the formulary. This administrative regulation should be revised to add a requirement that the injured worker shall be given notice of a prescription denied based on prior authorization required by the formulary.

In response to a question by Co-Chair West, Mr. Naake stated that the law required a specific formulary for persons injured pursuant to workers' compensation. Ms. Morgan stated that every health plan had its own formulary.

In response to a question by Co-Chair Hale, Mr. Swisher thanked Mr. Naake and stated that an injured worker would know immediately if a prescription was denied based on prior authorization required by the formulary. The pharmacist would know prior to dispensing, and the prescriber would be notified of the denial and the reason for the denial.

In response to questions by Representative Marzian, Mr. Swisher stated that the formulary was internet-based and updated monthly, and notice was published if a drug on the formulary changed. The intent was to discourage prescription of non-preferred drugs on the formulary and encourage prescription of therapeutically equivalent, preferred drugs. Mr. Swisher stated that the department was disinclined to defer consideration of this administrative regulation to the June meeting of the subcommittee.

In response to a question by Representative Frazier, Mr. Swisher stated that this administrative regulation did not establish who was authorized to prescribe certain drugs, but required prior authorization for drugs listed as nonpreferred on the formulary. This was a cost-control measure and an effort to reduce conflicts of interest in situations in which there might be compensation to a provider for prescribing nonpreferred drugs. Ninety (90) percent of drugs were dispensed by a pharmacy. These requirements were not overburdensome for a prescriber who was also a dispenser. Representative Frazier stated that the process for addressing prior authorization was inefficient.

In response to a question by Co-Chair Hale, Mr. Swisher stated that the department did not agree to defer consideration of this administrative regulation to the June meeting of the subcommittee.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Representative Marzian moved to find this administrative regulation deficient. Representative Turner seconded the motion. Prior to a roll call vote and notwithstanding his earlier refusal to defer, Mr. Swisher requested deferral of this administrative regulation to the June meeting of the subcommittee. Representative Marzian moved to withdraw the previous motion to find this administrative regulation deficient. Representative Turner seconded the motion. Without objection, and with agreement of the agency, the motion was approved.

PUBLIC PROTECTION CABINET: Department of Insurance: Insurance Fraud

806 KAR 47:010. Fraud prevention.

806 KAR 47:021. Repeal of 806 KAR 047:020 and 806 KAR 047:030.

LABOR CABINET: Department of Financial Institutions: Administration

808 KAR 1:180. Use of special restricted funds.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General: Division of Healthcare: Health Services and Facilities

902 KAR 20:111. Medically managed intensive inpatient withdrawal management.

Department of Medicaid Services: Division of Policy and Operations

907 KAR 1:022. Nursing facility services and intermediate care facility for individuals with an intellectual disability.

907 KAR 1:330. Hospice services.

907 KAR 1:340. Reimbursement for hospice services.

907 KAR 1:441. Repeal of 907 KAR 001:436.

907 KAR 1:755. Preadmission Screening and Resident Review Program.

Department for Behavioral Health, Developmental and Intellectual Disabilities: Division of Behavioral Health: Substance Abuse

908 KAR 1:341. Repeal of 908 KAR 001:340.

908 KAR 1:370. Licensing procedures, fees, and general requirements for nonhospital-based alcohol and other drug treatment entities.

908 KAR 1:372. Licensure of residential alcohol and other drug treatment entities.

908 KAR 1:374. Licensure of nonhospital-based outpatient alcohol and other drug treatment entities.

Office for Children with Special Health Care Needs

911 KAR 1:010. Application to office for children with special health care needs clinical programs.

911 KAR 1:020. Billing and fees.

911 KAR 1:060. Office for children with special health care needs medical staff.

911 KAR 1:071. Repeal of 911 KAR 001:070 and 911 KAR 001:080.

The subcommittee adjourned at 3 p.m. The next meeting of the subcommittee is tentatively scheduled for June 11, 2019, at 1 p.m.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates **L - 2**

The Locator Index lists all administrative regulations published in VOLUME 45 of the *Administrative Register of Kentucky* from July 2018 through June 2019. 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 that may affect the administrative regulation. NOTE: The administrative regulations listed under VOLUME 44 are those administrative regulations that were originally published in VOLUME 44 (last year's) issues of the *Administrative Register of Kentucky* but had not yet gone into effect when the *2018 Kentucky Administrative Regulations Service* was published.

KRS Index **L - 25**

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 45 of the *Administrative Register of Kentucky*.

Certifications Index **L - 46**

The Certification Index lists of administrative regulations that have had certification letters filed during this VOLUME year. The certification process is established in KRS 13A.3104. If the certification letter states the administrative regulation shall be amended, the administrative body shall file an amendment to the regulation within 18 months of the date the certification letter was filed. If the certification letter states that the regulation shall remain in effect without amendment, the last effective date of the regulation is changed to the date the regulations compiler received the letter.

Technical Amendment Index **L - 63**

The Technical Amendment Index is a list of administrative regulations that have had technical, nonsubstantive amendments entered since being published in the 2018 *Kentucky Administrative Regulations Service*. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10), 13A.2255(2), 13A.312(2), or 13A.320(1)(d). Because 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 **L - 64**

The Subject Index is a general index of administrative regulations published in VOLUME 45 of the *Administrative Register of Kentucky*, and is mainly broken down by agency.

VOLUME 44

The administrative regulations listed under VOLUME 44 are those administrative regulations that were originally published in Volume 44 (last year's) issues of the *Administrative Register of Kentucky* but had not yet gone into effect when the *2018 Kentucky Administrative Regulations Service* was published.

SYMBOL KEY:

* Statement of Consideration not filed by deadline
** Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))
*** Withdrawn before being printed in Register
IJC Interim Joint Committee
(r) Repealer regulation: KRS 13A.310(3)-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.
! Although the Interim Joint Committee on Health and Welfare and Family Services met on October 17, 2018, a quorum was not present; therefore, pursuant to KRS 13A.330(1), these regulations went into effect at the end of the 30-day review period on November 2, 2018.

EMERGENCY ADMINISTRATIVE REGULATIONS:

(Note: Emergency regulations expire 180 days from the date filed; or 180 days from the date filed plus number of days of requested extension, or upon replacement or repeal, whichever occurs first.)

Regulation Number	44 Ky.R. Page No.	Effective Date
201 KAR 12:082E	2303	4-13-2018
Replaced	2364	8-6-2018
201 KAR 22:020E	2180	3-14-2018
Replaced	2486	6-20-2018
201 KAR 22:040E	2182	3-14-2018
Replaced	2487	6-20-2018
201 KAR 22:070E	2184	3-14-2018
Replaced	2487	6-20-2018
921 KAR 2:015E	1799	12-28-2017
Replaced	1899	6-20-2018
922 KAR 2:090E	1916	2-14-2018
Replaced	2513	7-18-2018
922 KAR 2:100E	1925	2-14-2018
Replaced	2522	7-18-2018
922 KAR 2:111E	1936	2-14-2018
Expires		8-13-2018
922 KAR 2:120E	1937	2-14-2018
Replaced	2533	7-18-2018
922 KAR 2:171E*(r)*	2306	4-13-2018
Expires		10-10-2018
922 KAR 2:180E	1946	2-14-2018
Replaced	2138	7-18-2018
922 KAR 2:190E	1952	2-14-2018
Replaced	2144	7-18-2018
922 KAR 2:270E	2308	4-13-2018
Replaced	2459	7-18-2018

ORDINARY ADMINISTRATIVE REGULATIONS:

Regulation Number	44 Ky.R. Page No.	Effective Date
13 KAR 3:060	2702	8-31-2018
16 KAR 2:010		
Amended	1584	
Am Comments	2033	See 45 Ky.R.
16 KAR 5:030		
Amended	1589	
Am Comments	2039	See 45 Ky.R.
101 KAR 1:325		
Amended	2542	8-31-2018
103 KAR 16:360		
Amended	1094	
Withdrawn by agency		12-8-2017
103 KAR 26:120		
As Amended	1494	2-2-2018
103 KAR 41:120		
Amended	1112	
Withdrawn by agency		12-8-2017
201 KAR 3:005		
Repealed	2703	8-31-2018
201 KAR 3:006*(r)*	2703	8-31-2018
201 KAR 3:025		
Repealed	2703	8-31-2018
201 KAR 3:035		
Repealed	2703	8-31-2018
201 KAR 3:045		
Amended	2544	See 45 Ky.R.
201 KAR 3:055		
Repealed	2703	8-31-2018
201 KAR 3:065		
Repealed	2703	8-31-2018
201 KAR 3:090		
Amended	2546	8-24-2018
201 KAR 3:100	2705	8-31-2018
201 KAR 5:090		
Amended	2548	See 45 Ky.R.
201 KAR 5:130		
Amended	2549	8-31-2018
201 KAR 6:020		
Amended	2552	8-31-2018
201 KAR 6:050		
Amended	2554	See 45 Ky.R.
201 KAR 9:021		
Amended	2361	7-18-2018
201 KAR 9:031		
Amended	2363	
As Amended		See 45 Ky.R.
201 KAR 9:310		
Amended	1871	5-4-2018
201 KAR 9:480	1725	
As Amended	1970	3-15-2018
201 KAR 12:010		
Amended	2556	See 45 Ky.R.
201 KAR 12:030		
Amended	2557	See 45 Ky.R.
201 KAR 12:082		
Amended	2364	
As Amended		See 45 Ky.R.
201 KAR 12:140		
Amended	2561	See 45 Ky.R.
201 KAR 12:190		
Amended	2563	See 45 Ky.R.
201 KAR 12:230		
Amended	2565	See 45 Ky.R.
201 KAR 12:260		
Amended	2368	
As Amended		See 45 Ky.R.
201 KAR 14:180		
Amended	2566	8-24-2018
201 KAR 20:056		
Amended	2237	
As Amended	2473	6-20-2018
201 KAR 20:070		
Amended	2239	
As Amended	2475	6-20-2018
201 KAR 20:110		
Amended	2241	
As Amended	2476	6-20-2018
201 KAR 20:225		
Amended	2244	
As Amended	2477	6-20-2018

Regulation Number	44 Ky.R. Page No.	Effective Date
201 KAR 20:370		
Amended	2246	
As Amended	2478	6-20-2018
201 KAR 20:411		
Amended	2247	
As Amended	2479	6-20-2018
201 KAR 20:470		
Amended	2250	
As Amended	2481	6-20-2018
201 KAR 22:020		
Amended	2255	
As Amended	2486	6-20-2018
201 KAR 22:040		
Amended	2257	
As Amended	2487	6-20-2018
201 KAR 22:070		
Amended	2259	
As Amended	2487	6-20-2018
201 KAR 25:090		
Amended	1623	
Withdrawn by agency		10-26-2018
201 KAR 34:060		
Amended	2568	See 45 Ky.R.
201 KAR 41:100		
Amended	2572	See 45 Ky.R.
301 KAR 1:130		
Amended	2574	8-6-2018
301 KAR 2:049		
Amended	2260	
As Amended	2488	6-7-2018
301 KAR 2:172		
Amended	2370	
As Amended		See 45 Ky.R.
301 KAR 2:176		
Amended	2576	10-5-2018
301 KAR 2:221		
Amended	2374	
As Amended		See 45 Ky.R.
301 KAR 2:222		
Amended	2376	
As Amended		See 45 Ky.R.
301 KAR 2:228		
Amended	2380	See 45 Ky.R.
302 KAR 16:020		
Amended	2265	
As Amended	2492	7-6-2018
302 KAR 16:080		
Repealed	2283	7-6-2018
302 KAR 16:081*(r)*	2283	7-6-2018
302 KAR 16:091		
Amended	2267	
As Amended	2493	7-6-2018
302 KAR 50:050	1768	
Amended	2383	7-20-2018
401 KAR 5:002		
Amended	2578	See 45 Ky.R.
401 KAR 5:005		
Amended	2585	See 45 Ky.R.
401 KAR 5:006		
Amended	2598	See 45 Ky.R.
401 KAR 5:015		
Amended	2602	See 45 Ky.R.
401 KAR 5:035		
Repealed	2707	11-1-2018
401 KAR 5:037		
Amended	2604	See 45 Ky.R.
401 KAR 5:039*(r)*	2707	11-1-2018
401 KAR 5:045		
Amended	2610	See 45 Ky.R.
401 KAR 5:050		
Amended	2612	11-1-2018
401 KAR 5:052		
Amended	2615	11-1-2018
401 KAR 5:055		
Amended	2616	See 45 Ky.R.
401 KAR 5:057		
Repealed	2707	11-1-2018
401 KAR 5:060		
Amended	2620	11-1-2018
401 KAR 5:065		
Amended	2623	11-1-2018
401 KAR 5:070		
Repealed	2707	11-1-2018
401 KAR 5:075		
Amended	2625	See 45 Ky.R.
401 KAR 5:080		
Amended	2628	11-1-2018
401 KAR 5:300		
Repealed	2707	11-1-2018
401 KAR 5:320		
Amended	2631	See 45 Ky.R.
401 KAR 51:240	2284	
Am Comments	2505	7-5-2018
401 KAR 51:250	2286	
Am Comments	2507	7-5-2018
401 KAR 51:260	2288	
Am Comments	2509	7-5-2018
405 KAR 1:005		
Repealed	2708	10-5-2018
405 KAR 1:007		
Repealed	2708	10-5-2018
405 KAR 1:010		
Repealed	2708	10-5-2018
405 KAR 1:011*(r)*	2708	10-5-2018
405 KAR 1:015		
Repealed	2708	10-5-2018
405 KAR 1:020		
Repealed	2708	10-5-2018
405 KAR 1:030		
Repealed	2708	10-5-2018
405 KAR 1:040		
Repealed	2708	10-5-2018
405 KAR 1:050		
Repealed	2708	10-5-2018
405 KAR 1:051		
Repealed	2708	10-5-2018
405 KAR 1:060		
Repealed	2708	10-5-2018
405 KAR 1:070		
Repealed	2708	10-5-2018
405 KAR 1:080		
Repealed	2708	10-5-2018
405 KAR 1:090		
Repealed	2708	10-5-2018
405 KAR 1:100		
Repealed	2708	10-5-2018
405 KAR 1:110		
Repealed	2708	10-5-2018
405 KAR 1:120		
Repealed	2708	10-5-2018
405 KAR 1:130		
Repealed	2708	10-5-2018
405 KAR 1:130		
Repealed	2708	10-5-2018
405 KAR 1:141		
Repealed	2708	10-5-2018
405 KAR 1:150		
Repealed	2708	10-5-2018
405 KAR 1:160		
Repealed	2708	10-5-2018
405 KAR 1:170		
Repealed	2708	10-5-2018

Regulation Number	44 Ky.R. Page No.	Effective Date
405 KAR 1:180		
Repealed	2708	10-5-2018
405 KAR 1:190		
Repealed	2708	10-5-2018
405 KAR 1:200		
Repealed	2708	10-5-2018
405 KAR 1:210		
Repealed	2708	10-5-2018
405 KAR 1:220		
Repealed	2708	10-5-2018
405 KAR 1:230		
Repealed	2708	10-5-2018
405 KAR 1:240		
Repealed	2708	10-5-2018
405 KAR 1:250		
Repealed	2708	10-5-2018
405 KAR 1:260		
Repealed	2708	10-5-2018
405 KAR 3:005		
Repealed	2709	10-5-2018
405 KAR 3:007		
Repealed	2709	10-5-2018
405 KAR 3:010		
Repealed	2709	10-5-2018
405 KAR 3:011*(r)*	2709	10-5-2018
405 KAR 3:015		
Repealed	2709	10-5-2018
405 KAR 3:020		
Repealed	2709	10-5-2018
405 KAR 3:030		
Repealed	2709	10-5-2018
405 KAR 3:040		
Repealed	2709	10-5-2018
405 KAR 3:050		
Repealed	2709	10-5-2018
405 KAR 3:060		
Repealed	2709	10-5-2018
405 KAR 3:070		
Repealed	2709	10-5-2018
405 KAR 3:080		
Repealed	2709	10-5-2018
405 KAR 3:090		
Repealed	2709	10-5-2018
405 KAR 3:100		
Repealed	2709	10-5-2018
405 KAR 3:111		
Repealed	2709	10-5-2018
405 KAR 3:120		
Repealed	2709	10-5-2018
405 KAR 3:130		
Repealed	2709	10-5-2018
405 KAR 3:140		
Repealed	2709	10-5-2018
405 KAR 3:150		
Repealed	2709	10-5-2018
405 KAR 3:160		
Repealed	2709	10-5-2018
405 KAR 3:170		
Repealed	2709	10-5-2018
405 KAR 3:180		
Repealed	2709	10-5-2018
405 KAR 3:190		
Repealed	2709	10-5-2018
501 KAR 6:030		
Amended	2269	
Am Comments	2511	8-6-2018
501 KAR 6:070		
Amended	2635	See 45 Ky.R.
501 KAR 6:170		
Amended	2270	7-6-2018
501 KAR 6:270		
Amended	2097	
As Amended	2494	7-6-2018
501 KAR 16:290		
Amended	1884	
Am Comments	2337	
As Amended	2494	7-6-2018
501 KAR 16:300		
Amended	1887	
Am Comments	2339	
As Amended	2496	7-6-2018
501 KAR 16:310		
Amended	1891	
Am Comments	2343	
As Amended	2498	7-6-2018
501 KAR 16:330		
Amended	1893	
Am Comments	2345	
As Amended	2499	7-6-2018
501 KAR 16:340		
Amended	1897	
Am Comments	2349	7-6-2018
503 KAR 5:090		
Amended	2637	10-5-2018
505 KAR 1:120		
Amended	2384	
As Amended		See 45 Ky.R.
505 KAR 1:140		
Amended	2386	See 45 Ky.R.
600 KAR 4:010		
Amended	2272	
As Amended	2501	7-6-2018
601 KAR 2:030		
Amended	1651	
Withdrawn by agency		6-13-2018
603 KAR 2:015		
Amended	2640	
Withdrawn by agency		7-24-2018
703 KAR 5:190		
Repealed	2157	8-6-2018
703 KAR 5:191*(r)*	2157	8-6-2018
703 KAR 5:225		
Amended	2101	
As Amended		See 45 Ky.R.
703 KAR 5:260		
Repealed	2157	6-17-2018
703 KAR 5:280	2158	
Am Comments	2351	
As Amended		See 45 Ky.R.
704 KAR 7:090		
Amended	1658	
As Amended	2015	4-6-2018
735 KAR 1:010		
Amended	2388	
As Amended		See 45 Ky.R.
735 KAR 1:020		
Amended	2391	
As Amended		See 45 Ky.R.
735 KAR 2:010		
Amended	2394	
As Amended		See 45 Ky.R.
735 KAR 2:020		
Amended	2396	
As Amended		See 45 Ky.R.
735 KAR 2:030		
Amended	2398	
As Amended		See 45 Ky.R.
735 KAR 2:040		
Amended	2399	
As Amended		See 45 Ky.R.
735 KAR 2:050		
Amended	2401	

Regulation Number	44 Ky.R. Page No.	Effective Date
As Amended		See 45 Ky.R.
735 KAR 2:060		
Amended	2403	
As Amended		See 45 Ky.R.
804 KAR 9:010		
Repealed	1774	7-6-2018
804 KAR 9:040		
Repealed	1774	7-6-2018
804 KAR 9:050		
Repealed	1774	7-6-2018
804 KAR 9:051*(r)*	1774	7-6-2018
807 KAR 5:022		
Amended	2405	See 45 Ky.R.
807 KAR 5:026		
Amended	2436	See 45 Ky.R.
810 KAR 1:111*(r)*	2711	
Withdrawn		7-18-2018
810 KAR 8:040	2712	
Withdrawn		7-18-2018
811 KAR 1:241*(r)*	2717	
Withdrawn		7-18-2018
811 KAR 2:151*(r)*	2718	
Withdrawn		7-18-2018
815 KAR 6:001		
Recodified as 831 KAR 2:001		4-18-2019
815 KAR 6:010		
Recodified as 831 KAR 2:020		4-18-2019
815 KAR 6:030		
Recodified as 831 KAR 2:030		4-18-2019
815 KAR 6:040		
Recodified as 831 KAR 2:040		4-18-2019
815 KAR 7:110		
Amended	2439	See 45 Ky.R.
815 KAR 7:120		
Amended	2442	See 45 Ky.R.
815 KAR 7:125		
Amended	2445	See 45 Ky.R.
815 KAR 8:007		
Repealed	2458	8-22-2018
815 KAR 8:011*(r)*	2458	8-22-2018
815 KAR 8:045		
Repealed	2458	8-22-2018
815 KAR 8:070		
Amended	2446	See 45 Ky.R.
815 KAR 8:080		
Amended	2449	See 45 Ky.R.
815 KAR 8:100		
Amended	2451	See 45 Ky.R.
820 KAR 1:001		
Amended	2646	See 45 Ky.R.
820 KAR 1:005		
Amended	2650	See 45 Ky.R.
820 KAR 1:010		
Repealed	2720	1-4-2019
820 KAR 1:011*(r)*	2720	1-4-2019
820 KAR 1:015		
Repealed	2720	1-4-2019
820 KAR 1:016		
Repealed	2720	1-4-2019
820 KAR 1:025		
Amended	2654	See 45 Ky.R.
820 KAR 1:026		
Repealed	2720	1-4-2019
820 KAR 1:028		
Repealed	2720	1-4-2019
820 KAR 1:029		
Repealed	2720	1-4-2019
820 KAR 1:032		
Amended	2656	See 45 Ky.R.
820 KAR 1:033		
Repealed	2720	1-4-2019
820 KAR 1:034		
Repealed	2720	1-4-2019
820 KAR 1:036		
Repealed	2720	1-4-2019
820 KAR 1:042		
Amended	2670	See 45 Ky.R.
820 KAR 1:044		
Repealed	2720	1-4-2019
820 KAR 1:046		
Repealed	2720	1-4-2019
820 KAR 1:050		
Amended	2678	See 45 Ky.R.
820 KAR 1:055		
Amended	2681	See 45 Ky.R.
820 KAR 1:056		
Repealed	2720	1-4-2019
820 KAR 1:057		
Amended	2683	See 45 Ky.R.
820 KAR 1:058		
Repealed	2720	1-4-2019
820 KAR 1:060		
Amended	2690	See 45 Ky.R.
820 KAR 1:100		
Repealed	2720	1-4-2019
820 KAR 1:110		
Repealed	2720	1-4-2019
820 KAR 1:120		
Repealed	2720	1-4-2019
820 KAR 1:125		
Amended	2691	1-4-2019
820 KAR 1:130		
Amended	2693	See 45 Ky.R.
820 KAR 1:135	2721	See 45 Ky.R.
831 KAR 2:001		
Recodified from 815 KAR 6:001		4-18-2019
831 KAR 2:020		
Recodified from 815 KAR 6:010		4-18-2019
831 KAR 2:030		
Recodified from 815 KAR 6:030		4-18-2019
831 KAR 2:040		
Recodified from 815 KAR 6:040		4-18-2019
902 KAR 2:055		
Amended	2695	See 45 Ky.R.
902 KAR 10:040		
Amended	2277	See 45 Ky.R.
902 KAR 20:016		
Amended	1415	
Am Comments	2054	See 45 Ky.R.
902 KAR 20:058		
Amended	1714	5-4-2018
906 KAR 1:200		
Amended	2454	
As Amended		See 45 Ky.R.
910 KAR 2:030		
Amended	2698	
As Amended		See 45 Ky.R.
910 KAR 2:050		
Repealed	2723	9-19-2018
910 KAR 2:052*(r)*	2723	9-19-2018
921 KAR 2:015		
Amended	1899	6-20-2018
922 KAR 2:090		
Amended	2109	
Am Comments	2513	7-18-2018
922 KAR 2:100		
Amended	2118	
Am Comments	2522	7-18-2018
922 KAR 2:110		
Repealed	1963	2-14-2018
922 KAR 2:120		
Amended	2129	

Regulation Number	44 Ky.R. Page No.	Effective Date
Am Comments	2533	
As Amended		See 45 Ky.R.
922 KAR 2:170		
Repealed	2306	4-13-2018
922 KAR 2:180		
Amended	2138	
As Amended		See 45 Ky.R.
922 KAR 2:190		
Amended	2144	
As Amended		See 45 Ky.R.
922 KAR 2:210		
Repealed	2306	4-13-2018
922 KAR 2:270	2459	
As Amended		See 45 Ky.R.

SYMBOL KEY:

* Statement of Consideration not filed by deadline

** Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))

*** Withdrawn before being printed in Register

IJC Interim Joint Committee

(r) Repealer regulation: KRS 13A.310(3)-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.

! Although the Interim Joint Committee on Health and Welfare and Family Services met on October 17, 2018, a quorum was not present; therefore, pursuant to KRS 13A.330(1), these regulations went into effect at the end of the 30-day review period on November 2, 2018.

VOLUME 45

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.)

9 KAR 1:010E	3382	5-15-2019
9 KAR 1:015E	234	7-11-2018
Replaced	933	10-24-2018
9 KAR 1:030E	235	7-11-2018
Replaced	933	10-24-2018
9 KAR 1:040E	3383	5-15-2019
31 KAR 3:010E	7	5-22-2018
Replaced	638	10-5-2018
31 KAR 4:100E	236	6-21-2018
Replaced	1512	1-4-2019
31 KAR 4:120E	239	6-21-2018
Withdrawn	*	10-15-2018
32 KAR 1:030E	906	8-31-2018
Replaced	2055	2-1-2019
32 KAR 1:050E	2301	1-14-2019
Replaced	2345	5-3-2019
32 KAR 1:070E	2302	1-14-2019
Replaced	2402	5-3-2019
40 KAR 2:345E	241	7-2-2018
Replaced	946	11-2-2018
101 KAR 2:210E	908	9-14-2018
Replaced	1055	1-4-2019
103 KAR 18:050E	910	9-10-2018
Replaced	1518	1-4-2019
105 KAR 1:147E	1174	10-5-2018
Replaced	2071	2-1-2019
200 KAR 3:020E	2304	1-4-2019
301 KAR 1:152E	2039	11-19-2018
Replaced	2165	4-5-2019
301 KAR 2:095E	2308	12-17-2018
Replaced	2432	5-3-2019
301 KAR 2:169E	912	8-24-2018
Withdrawn		10-5-2018
301 KAR 2:225E	614	7-20-2018
Replaced	752	12-7-2018
400 KAR 1:001E	243	7-13-2018
Replaced	431	10-5-2018
400 KAR 1:040E	245	7-13-2018
Replaced	958	10-5-2018
400 KAR 1:090E	251	7-13-2018
Replaced	963	10-5-2018
400 KAR 1:100E	260	7-13-2018
Replaced	970	10-5-2018
400 KAR 1:110E	265	7-13-2018
Replaced	974	10-5-2018
500 KAR 15:010E	3011	4-5-2019
501 KAR 5:020E	617	7-19-2018
Replaced	1524	1-4-2019
503 KAR 1:110E	274	6-27-2018
Replaced	1047	12-7-2018
601 KAR 2:030E	9	6-13-2018
Withdrawn by agency		1-8-2019
Resubmitted	2310	1-8-2019
787 KAR 1:010E	915	9-13-2018
Replaced	1528	1-4-2019
803 KAR 25:089E	15	6-11-2018
Replaced	1193	12-7-2018
803 KAR 25:270E	2316	12-27-2018
805 KAR 1:210E	277	7-13-2018
Replaced	560	10-5-2018
895 KAR 1:001E	279	6-29-2018
Withdrawn by agency		7-2-2018
895 KAR 1:010E	282	6-29-2018
Withdrawn by agency		7-2-2018
895 KAR 1:015E	285	6-29-2018
Withdrawn by agency		7-2-2018
895 KAR 1:020E	288	6-29-2018
Withdrawn by agency		7-2-2018
895 KAR 1:025E	290	6-29-2018
Withdrawn by agency		7-2-2018
895 KAR 1:030E	292	6-29-2018
Withdrawn by agency		7-2-2018
895 KAR 1:035E	295	6-29-2018
Withdrawn by agency		7-2-2018
895 KAR 1:040E	297	6-29-2018
Withdrawn by agency		7-2-2018
895 KAR 1:045E	299	6-29-2018
Withdrawn by agency		7-2-2018
895 KAR 1:050E	301	6-29-2018
Withdrawn by agency		7-2-2018
895 KAR 1:055E	303	6-29-2018
Withdrawn by agency		7-2-2018
900 KAR 5:020E	305	7-13-2018
Replaced	1622	12-12-2018
900 KAR 6:075E	1176	9-25-2018
Replaced	2395	5-31-2019
900 KAR 11:010E	917	9-13-2018
Replaced	1111	12-12-2018
902 KAR 20:008E	307	7-13-2018
Replaced	474	! 11-2-2018
902 KAR 20:401E*(r)*	312	7-13-2018
Expired		1-9-2019
902 KAR 55:011E*(r)*	313	7-13-2018

Regulation Number	45 Ky.R. Page No.	Effective Date
Expired		1-9-2019
906 KAR 1:071E*(r)*	315	7-13-2018
Expired		1-9-2019
907 KAR 1:025E	922	9-13-2018
Replaced	1673	1-4-2019
907 KAR 1:560E	1493	11-1-2018
Replaced	2915	5-3-2019
907 KAR 1:563E	1497	11-1-2018
Replaced	2918	5-3-2019
907 KAR 1:604E	2319	12-28-2018
Withdrawn	*	3-15-2019
Resubmitted	3015	3-15-2019
907 KAR 1:642E	316	7-2-2018
Withdrawn by agency		7-27-2018
907 KAR 10:820E	2041	11-30-2018
Replaced	3184	5-31-2019
921 KAR 2:015E	2322	12-28-2018
921 KAR 2:055E	1501	11-1-2018
921 KAR 3:060E	1505	11-1-2018
Replaced	1842	5-3-2019
921 KAR 3:070E	1507	11-1-2018
Replaced	1845	5-3-2019
922 KAR 1:100E	928	9-13-2018
Replaced	2357	2-21-2019
922 KAR 1:310E	3019	4-1-2019
922 KAR 1:350E	3033	4-1-2019
922 KAR 1:495E	3042	4-1-2019
922 KAR 2:160E	2045	11-30-2018
Replaced	2945	5-31-2019
922 KAR 1:360E	619	8-1-2018
Replaced	2106	1-23-2019
922 KAR 1:560E	318	7-13-2018
Replaced	2284	12-12-2018

ORDINARY ADMINISTRATIVE REGULATIONS

Regulation Number	45 Ky.R. Page No.	Effective Date
9 KAR 1:010		
Amended	3439	
9 KAR 1:015		
Amended	376	
As Amended	933	10-24-2018
9 KAR 1:030		
Amended	377	
As Amended	933	10-24-2018
9 KAR 1:040		
Amended	3440	
11 KAR 4:080		
Amended	1703	
As Amended	2329	3-8-2019
11 KAR 5:045		
Amended		
11 KAR 5:145		
Amended	105	
As Amended	626	10-5-2018
Amended	3239	
11 KAR 15:010		
Amended	106	
As Amended	626	10-5-2018
11 KAR 15:110	207	
As Amended	627	10-5-2018
12 KAR 2:006		
Amended	380	10-10-2018
12 KAR 2:011		
Amended	381	10-10-2018
12 KAR 2:016		
Amended	382	10-10-2018
As Amended	935	
12 KAR 2:017		
Amended	384	10-10-2018
12 KAR 2:018		
Amended	385	10-10-2018
As Amended	935	
12 KAR 2:021		
Amended	389	10-10-2018
As Amended	938	
12 KAR 2:026		
Amended	391	10-10-2018
As Amended	940	
12 KAR 2:031		
Amended	392	10-10-2018
As Amended	940	
12 KAR 2:036		
Amended	394	10-10-2018
As Amended	941	
12 KAR 2:041		
Amended	395	10-10-2018
12 KAR 2:046		
Amended	396	10-10-2018
12 KAR 2:051		
Amended	398	10-10-2018
12 KAR 2:056		
Amended	399	10-11-2018
As Amended	941	
12 KAR 2:061		
Amended	400	10-10-2018
12 KAR 2:066		
Amended	401	
As Amended	942	10-10-2018
12 KAR 3:007		
Amended	108	
As Amended	628	9-28-2018
12 KAR 3:012		
Amended	109	
As Amended	628	9-28-2018
12 KAR 3:017		
Amended	112	
As Amended	630	9-28-2018
12 KAR 3:022		
Amended	114	
As Amended	631	9-28-2018
12 KAR 3:027		
Amended	116	
As Amended	633	9-28-2018
12 KAR 3:028	208	
As Amended	634	9-28-2018
12 KAR 3:032		
Amended	118	
As Amended	635	9-28-2018
12 KAR 3:037		
Amended	119	
As Amended	635	9-28-2018
12 KAR 3:039	210	
As Amended	636	9-28-2018
12 KAR 3:042		
Amended	120	
As Amended	637	9-28-2018
13 KAR 2:020		
Amended	403	
As Amended	942	11-2-2018
16 KAR 2:010		See 44 Ky.R.
As Amended	321	8-31-2018
16 KAR 2:100		
Amended	1704	
As Amended	2329	3-8-2019
16 KAR 2:210	1850	
As Amended	2330	3-8-2019
16 KAR 3:011*(r)*	2801	
As Amended	3387	
16 KAR 3:090	2250	
As Amended	3387	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	45 Ky.R. Page No.	Effective Date
16 KAR 5:030		See 44 Ky.R.
As Amended	326	8-31-2018
16 KAR 8:030		
Amended	3240	
16 KAR 9:040		
Amended	1706	
As Amended	2331	3-8-2019
31 KAR 3:010		
Amended	122	
As Amended	638	10-5-2018
31 KAR 4:100		
Amended	124	
Amended	408	
As Amended	1512	1-4-2019
31 KAR 4:120		
Amended	125	
Withdrawn by agency		6-20-2018
Amended	409	
Withdrawn	*	10-15-2018
Amended	2152	
32 KAR 1:030		
Amended	1052	
As Amended	2055	
32 KAR 1:050		
Amended	2401	
As Amended	2345	5-3-2019
32 KAR 1:070		
Amended	2402	5-3-2019
40 KAR 2:345	557	
As Amended	946	11-2-2018
45 KAR 1:050		
Withdrawn by agency		8-23-2018
Amended	1053	
As Amended	1512	1-4-2019
101 KAR 2:020		
Amended	127	10-5-2018
101 KAR 2:034		
Amended	139	
As Amended	639	10-5-2018
Amended	2955	
As Amended	3390	
101 KAR 2:076		
Amended	133	10-5-2018
101 KAR 2:095		
Amended	135	
As Amended	643	10-5-2018
101 KAR 2:180		
Amended	3443	
101 KAR 2:190	3592	
101 KAR 2:210		
Amended	1055	1-4-2019
101 KAR 3:045		
Amended	139	
As Amended	646	10-5-2018
Amended	2960	
As Amended	3394	
101 KAR 3:050		
Amended	144	10-5-2018
102 KAR 1:060		
Amended	2404	
As Amended	3398	
102 KAR 1:163	2526	
As Amended	3047	5-31-2019
102 KAR 1:168	2527	
As Amended	3047	5-31-2019
102 KAR 1:320		
Amended	2406	
As Amended	3048	5-31-2019
103 KAR 1:040		
Amended	1297	2-1-2019
103 KAR 1:130		
Amended	1299	2-1-2019
103 KAR 15:040		
Repealed	859	12-7-2018
103 KAR 15:041*(r)*	859	12-7-2018
103 KAR 15:050		
Amended	1057	
As Amended	1513	1-4-2019
Amended	3445	
103 KAR 15:060		
Amended	1059	
As Amended	1514	1-4-2019
103 KAR 15:061(r)	3594	
103 KAR 15:090		
Repealed	859	12-7-2018
103 KAR 15:110		
Amended	727	
As Amended	1180	12-7-2018
103 KAR 15:120		
Amended	728	
As Amended	1180	12-7-2018
103 KAR 15:140		
Amended	730	
As Amended	1181	12-7-2018
103 KAR 15:180		
Amended	1060	
As Amended	1514	1-4-2019
103 KAR 15:195		
Amended	1062	1-4-2019
103 KAR 16:010		
Repealed	860	12-7-2018
103 KAR 16:011*(r)*	860	12-7-2018
103 KAR 16:060		
Amended	1301	
As Amended	2055	2-1-2019
103 KAR 16:090		
Amended	1305	2-1-2019
As Amended	2059	
103 KAR 016:100		
Repealed	1851	5-3-2019
103 KAR 016:110		
Repealed	1851	5-3-2019
103 KAR 016:120		
Repealed	1851	5-3-2019
103 KAR 016:145		
Repealed	1851	5-3-2019
103 KAR 016:150		
Repealed	1851	5-3-2019
103 KAR 016:151*(r)*	1851	5-3-2019
As Amended	2845	
103 KAR 16:210		
Repealed	860	12-7-2018
103 KAR 16:230		
Amended	1307	2-1-2019
As Amended	2059	
103 KAR 16:240		
Amended	1309	
As Amended	2060	2-1-2019
103 KAR 16:250		
Amended	2153	
As Amended	2571	4-5-2019
103 KAR 16:270		
Amended	1708	
Am Comment	2688	
As Amended	2845	5-3-2019
103 KAR 16:290		
Amended	1312	
As Amended	2063	2-1-2019
103 KAR 16:310		
Repealed	860	12-7-2018

Regulation Number	45 Ky.R. Page No.	Effective Date
103 KAR 16:330		
Amended	1314	
As Amended	2064	2-1-2019
103 KAR 16:340		
Amended	1316	
As Amended	2065	2-1-2019
103 KAR 16:352		
Amended	732	
103 KAR 16:360		
Repealed	860	12-7-2018
103 KAR 16:380		
Repealed	1152	1-4-2019
103 KAR 16:381*(r)*	1152	1-4-2019
103 KAR 17:010		
Amended	1066	
As Amended	1516	1-4-2019
103 KAR 17:020		
Amended	1068	
As Amended	1516	1-4-2019
103 KAR 17:041		
Repealed	861	12-7-2018
103 KAR 17:042*(r)*	861	12-7-2018
103 KAR 17:060		
Amended	1069	
As Amended	1517	1-4-2019
103 KAR 17:100		
Amended	734	
As Amended	1182	12-7-2018
103 KAR 17:121*(r)*	3595	
103 KAR 17:130		
Amended	735	
As Amended	1183	12-7-2018
103 KAR 17:140		
Amended	736	
As Amended	1183	12-7-2018
103 KAR 18:050		
Amended	1070	
As Amended	1518	1-4-2019
103 KAR 18:080		
Repealed	1153	1-4-2019
103 KAR 18:081*(r)*	1153	1-4-2019
103 KAR 18:160		
Repealed	1153	1-4-2019
103 KAR 18:110		
Amended	1073	1-4-2019
103 KAR 18:120		
Amended	1074	
As Amended	1519	1-4-2019
103 KAR 18:150		
Amended	1075	
As Amended	1520	1-4-2019
103 KAR 18:180		
Amended	738	12-7-2018
103 KAR 18:190		
Repealed	862	12-7-2018
103 KAR 18:191*(r)*	862	12-7-2018
103 KAR 18:200		
Repealed	862	12-7-2018
103 KAR 18:210		
Repealed	862	12-7-2018
103 KAR 18:220		
Repealed	862	12-7-2018
103 KAR 19:010		
Amended	1077	
As Amended	2066	
105 KAR 1:145		
Amended	1318	
As Amended	2066	2-1-2019
105 KAR 1:147	1457	
As Amended	2071	
106 KAR 1:081		
Amended	2743	
As Amended	3050	5-31-2019
106 KAR 1:091		
Amended	2745	
As Amended	3052	5-31-2019
106 KAR 1:101		
Amended	2750	5-31-2019
106 KAR 1:111		
Amended	2751	
As Amended	3055	5-31-2019
106 KAR 1:121		
Amended	2753	
As Amended	3056	5-31-2019
200 KAR 3:020	2528	
Am Comments	3190	
200 KAR 14:201*(r)*	3596	
200 KAR 30:010		
Repealed	558	11-2-2018
200 KAR 30:011*(r)*	558	11-2-2018
200 KAR 30:020		
Repealed	558	11-2-2018
200 KAR 30:030		
Repealed	558	11-2-2018
200 KAR 30:040		
Repealed	558	11-2-2018
200 KAR 30:070		
Repealed	558	11-2-2018
201 KAR 1:290	2802	
As Amended	3399	
201 KAR 1:300		
Withdrawn		2-25-2019
Amended	2964	
As Amended	3401	
201 KAR 1:310	2804	
As Amended	3403	
201 KAR 2:010		
Amended	3447	
201 KAR 2:015		
Amended	146	
As Amended	650	9-19-2018
201 KAR 2:090		
Amended	3449	
201 KAR 2:095		
Amended	3450	
201 KAR 2:100		
Amended	3451	
201 KAR 2:116		
Amended	3453	
201 KAR 2:165		
Amended	3454	
201 KAR 2:225		
Amended	3456	
201 KAR 2:240		
Amended	3458	
201 KAR 2:270		
Amended	3460	
201 KAR 2:310		
Amended	3461	
201 KAR 2:340		
Amended	3462	
201 KAR 2:370		
Amended	740	
Am Comments	1684	
As Amended	2575	3-13-2019
201 KAR 3:045		See 44 Ky.R.
As Amended	327	8-31-2018
Recodified as 831 KAR 1:020		10-12-2018
201 KAR 3:090		See 44 Ky.R.
As Amended	327	8-24-2018

Regulation Number	45 Ky.R. Page No.	Effective Date
Recodified as 831 KAR 1:010		10-12-2018
201 KAR 3:100		See 44 Ky.R.
As Amended	328	8-31-2018
Recodified as 831 KAR 1:030		10-12-2018
201 KAR 5:090		See 44 Ky.R.
As Amended	330	8-31-2018
201 KAR 6:030		
Amended	3464	
201 KAR 6:040		
Amended	3466	
201 KAR 6:050		See 44 Ky.R.
As Amended	330	8-31-2018
201 KAR 8:581		
Amended	3244	
201 KAR 9:031		See 44 Ky.R.
As Amended	17	7-18-2018
201 KAR 9:260		
Amended	743	12-12-2018
201 KAR 9:270		
Withdrawn		3-14-2019
201 KAR 12:010		See 44 Ky.R.
As Amended	330	8-31-2018
201 KAR 12:030		See 44 Ky.R.
As Amended	331	8-31-2018
Amended	1723	
As Amended	2332	3-8-2019
201 KAR 12:082		See 44 Ky.R.
As Amended	17	8-6-2018
Amended	1727	
As Amended	2335	3-8-2019
201 KAR 12:085		
Repealed	947	11-2-2018
201 KAR 12:088		
Repealed	947	11-2-2018
201 KAR 12:120		
Repealed	947	11-2-2018
201 KAR 12:140		See 44 Ky.R.
As Amended	334	8-31-2018
201 KAR 12:180		
Repealed	947	11-2-2018
201 KAR 12:190		See 44 Ky.R.
As Amended	335	8-31-2018
201 KAR 12:230		See 44 Ky.R.
As Amended	337	8-31-2018
201 KAR 12:250		
Repealed	947	11-2-2018
201 KAR 12:251*(r)*	212	11-2-2018
As Amended	947	
201 KAR 12:260		See 44 Ky.R.
As Amended	20	8-6-2018
Amended	1731	
As Amended	2338	3-8-2019
201 KAR 12:280	213	
As Amended	947	11-9-2018
201 KAR 13:040		
Amended	3246	
201 KAR 13:050		
Amended	3249	
201 KAR 13:055		
Amended	3251	
201 KAR 13:060		
Amended	3253	
201 KAR 20:056		
Amended	1733	
Am Comments	2702	3-13-2019
201 KAR 20:057		
Amended	411	
Am Comments	1044	11-27-2018
201 KAR 20:062		
Amended	1736	
As Amended	2577	3-13-2019
201 KAR 20:065		
Amended	2159	
Am Comments	2702	
As Amended	2860	
201 KAR 20:161		
Amended	1739	
As Amended	2580	3-13-2019
201 KAR 20:162		
Amended	1742	
As Amended	2582	3-13-2019
201 KAR 20:215		
Amended	1743	
As Amended	2583	3-13-2019
201 KAR 20:220		
Amended	1746	3-13-2019
201 KAR 20:226*(r)*	1853	
As Amended	2585	3-13-2019
201 KAR 20:235		
Repealed	2585	3-13-2019
201 KAR 20:240		
Amended	1748	
As Amended	2585	3-13-2019
201 KAR 20:260		
Amended	1750	
As Amended	2586	3-13-2019
201 KAR 20:280		
Amended	1754	
As Amended	2589	3-13-2019
201 KAR 20:310		
Amended	1757	
As Amended	2591	3-13-2019
201 KAR 20:320		
Amended	1759	
As Amended	2593	3-13-2019
201 KAR 20:340		
Amended	1762	3-13-2019
201 KAR 20:350		
Amended	1763	3-13-2019
201 KAR 20:360		
Amended	1764	
As Amended	2594	3-13-2019
201 KAR 20:362	1854	
As Amended	2597	3-13-2019
201 KAR 20:370		
Amended	3469	
201 KAR 20:411		
Amended	1767	
As Amended	2597	3-13-2019
201 KAR 20:420		
Repealed	2585	3-13-2019
201 KAR 20:430		
Repealed	2585	3-13-2019
201 KAR 20:440		
Repealed	2585	3-13-2019
201 KAR 20:460		
Repealed	2585	3-13-2019
201 KAR 20:490		
Amended	415	
As Amended	948	**!** 11-2-2018
201 KAR 20:506		
Amended	3471	
201 KAR 21:015		
Amended	1079	1-23-2019
201 KAR 21:045		
Amended	1080	
As Amended	2073	1-23-2019
201 KAR 22:020		
Amended	4148	**!** 11-2-2018
Amended	2755	

Regulation Number	45 Ky.R. Page No.	Effective Date
As Amended	3057	5-31-2019
201 KAR 22:040		
Amended	420	! 11-2-2018
201 KAR 22:070		
Amended	2161	
As Amended	2862	5-3-2019
201 KAR 22:135		
Amended	3258	
201 KAR 22:170		
Amended	422	
As Amended	951	! 11-2-2018
Amended	2164	3-13-2019
201 KAR 23:150	1459	
201 KAR 25:062*(r)*	3597	
201 KAR 25:090		
Amended	3472	
201 KAR 26:130		
Amended	1324	
As Amended	2073	1-23-2019
201 KAR 26:140		
Amended	1326	
As Amended	2075	1-23-2019
201 KAR 26:171		
Amended	1328	
As Amended	2076	1-23-2019
201 KAR 26:175		
Amended	1332	1-23-2019
201 KAR 26:200		
Amended	1335	1-23-2019
201 KAR 26:210		
Repealed	1463	1-23-2019
201 KAR 26:211*(r)*	1463	
As Amended	2079	1-23-2019
201 KAR 26:280		
Amended	1337	
As Amended	2079	1-23-2019
201 KAR 27:005		
Amended	2414	
As Amended	2863	5-3-2019
201 KAR 27:008		
Amended	2416	
As Amended	2864	5-3-2019
201 KAR 27:011		
Amended	2419	
As Amended	2866	5-3-2019
201 KAR 27:016		
Amended	2425	
As Amended	2871	5-3-2019
201 KAR 27:020		
Amended	2431	5-3-2019
As Amended	2876	5-3-2019
201 KAR 027:017		
Repealed	2532	
201 KAR 27:022*(r)*	2532	5-3-2019
201 KAR 28:020		
Repealed	1464	2-1-2019
201 KAR 28:021*(r)*	1464	
201 KAR 28:060		
Amended	1339	
As Amended	2080	2-1-2019
201 KAR 28:090		
Repealed	1464	2-1-2019
201 KAR 28:110		
Repealed	1464	2-1-2019
201 KAR 28:170		
Amended	1341	2-1-2019
201 KAR 28:180		
Repealed	1464	2-1-2019
201 KAR 28:210		
Repealed	1464	2-1-2019

Regulation Number	45 Ky.R. Page No.	Effective Date
201 KAR 32:110	1855	5-3-2019
Am Comments	2705	
201 KAR 34:060		See 44 Ky.R.
As Amended	337	8-31-2018
201 KAR 41:020		
Amended	3475	
201 KAR 41:030		
Amended	3477	
201 KAR 41:040		
Amended	3478	
201 KAR 41:060		
Amended	3480	
201 KAR 41:065		
Amended	3482	
201 KAR 41:070		
Amended	3483	
201 KAR 41:080		
Amended	3486	
201 KAR 41:100		See 44 Ky.R.
As Amended	340	8-24-2018
201 KAR 46:010		
Amended	2967	
As Amended	3403	
201 KAR 46:020		
Amended	2970	
201 KAR 46:030		
Amended	2971	
201 KAR 46:040		
Amended	2972	
201 KAR 46:045		
Amended	2975	
201 KAR 46:081		
Amended	2976	
202 KAR 3:010		
Amended	3259	
202 KAR 3:040		
Amended	2757	5-31-2019
202 KAR 7:520		
Amended	2760	
As Amended	3405	
202 KAR 7:560		
Amended	3489	
202 KAR 7:575	2805	
As Amended	3409	
301 KAR 1:015		
Amended	748	12-7-2018
301 KAR 1:115		
Amended	148	
As Amended	651	9-6-2018
301 KAR 1:132		
Amended	750	12-7-2018
301 KAR 1:152		
Amended	2165	4-5-2019
301 KAR 1:155		
Amended	2167	4-5-2019
301 KAR 1:201		
Amended	423	
As Amended	951	10-4-2018
301 KAR 1:410		
Amended	428	
As Amended	955	10-4-2018
301 KAR 2:030		
Amended	3260	
301 KAR 2:095		
Amended	1081	
Withdrawn by agency		12-17-2018
Amended	2432	5-3-2019
301 KAR 2:132		
Amended	1344	
As Amended	2081	2-1-2019

Regulation Number	45 Ky.R. Page No.	Effective Date
301 KAR 2:172		See 44 Ky.R.
As Amended	652	10-5-2018
Amended	2434	
As Amended	3058	5-31-2019
301 KAR 2:178		
Amended	2765	
As Amended	3060	5-31-2019
301 KAR 2:221		See 44 Ky.R.
As Amended	21	7-5-2018
Amended	3491	
301 KAR 2:222		See 44 Ky.R.
As Amended	22	7-5-2018
Amended	3493	
301 KAR 2:225		
Amended	752	12-7-2018
As Amended	1184	
301 KAR 2:228		See 44 Ky.R.
As Amended	341	8-6-2018
301 KAR 2:300		
Amended	3498	
301 KAR 3:022		
Amended	755	
As Amended	1186	12-7-2018
Amended	2722	5-31-2019
301 KAR 3:091*(r)*	2996	
301 KAR 3:100		
Amended	1083	
As Amended	1521	12-14-2018
301 KAR 4:090		
Amended	758	
As Amended	1187	12-7-2018
302 KAR 1:010		
Repealed	1857	3-8-2019
302 KAR 1:011*(r)*	1857	3-8-2019
302 KAR 1:020		
Repealed	1857	3-8-2019
302 KAR 1:030		
Repealed	1857	3-8-2019
302 KAR 1:035		
Repealed	1857	3-8-2019
302 KAR 1:040		
Repealed	1857	3-8-2019
302 KAR 1:050		
Repealed	1857	3-8-2019
302 KAR 1:055		
Repealed	1857	3-8-2019
302 KAR 1:070		
Repealed	1857	3-8-2019
302 KAR 1:080		
Repealed	1857	3-8-2019
302 KAR 003:010		
Repealed	2807	5-31-2019
302 KAR 3:011*(r)*	2807	5-31-2019
302 KAR 16:010		
Amended	3502	
302 KAR 16:020		
Amended	3503	
302 KAR 16:040		
Amended	3504	
302 KAR 16:070		
Amended	3506	
302 KAR 16:091		
Amended	3507	
302 KAR 16:101		
Amended	3509	
302 KAR 16:111		
Amended	3510	
302 KAR 16:121		
Amended	3511	
302 KAR 16:131		
Amended	3513	
302 KAR 20:054		
Repealed	1189	11-14-2018
302 KAR 20:056		
Repealed	1189	11-14-2018
302 KAR 20:057		
Repealed	1189	11-14-2018
302 KAR 20:058		
Repealed	1190	11-14-2018
302 KAR 20:210		
Repealed	1188	11-14-2018
302 KAR 20:211*(r)*	863	
As Amended	1188	11-14-2018
302 KAR 20:220		
Repealed	1188	11-14-2018
302 KAR 20:221*(r)*	864	
As Amended	1188	11-14-2018
302 KAR 20:230		
Repealed	1189	11-14-2018
302 KAR 20:231*(r)*	865	
As Amended	1189	11-14-2018
302 KAR 20:541*(r)*	866	
As Amended	1189	11-14-2018
302 KAR 20:561*(r)*	867	
As Amended	1189	11-14-2018
302 KAR 20:571*(r)*	868	
As Amended	1189	11-14-2018
302 KAR 20:581*(r)*	869	
As Amended	1190	11-14-2018
302 KAR 27:010		
Amended	2437	
As Amended	2877	5-3-2019
302 KAR 27:020		
Amended	2439	
As Amended	2878	5-3-2019
302 KAR 027:030		
Repealed	2533	5-3-2019
302 KAR 27:031*(r)*	2533	5-3-2019
As Amended	2879	
302 KAR 27:040		
Amended	2441	
As Amended	2880	5-3-2019
302 KAR 27:050		
Amended	2442	
As Amended	2880	5-3-2019
302 KAR 27:060		
Amended	2446	
As Amended	2883	5-3-2019
302 KAR 28:010		
Amended	2448	
As Amended	2885	5-3-2019
302 KAR 28:020		
Amended	2450	
As Amended	2885	5-3-2019
302 KAR 28:030		
Amended	2452	
As Amended	2887	5-3-2019
302 KAR 28:040		
Amended	2453	
As Amended	2887	5-3-2019
302 KAR 28:050		
Amended	2454	
As Amended	2887	5-3-2019
302 KAR 28:060		
Amended	2457	
As Amended	2889	5-3-2019
302 KAR 29:020		
Amended	150	
As Amended	655	9-28-2018
302 KAR 50:080		

Regulation Number	45 Ky.R. Page No.	Effective Date
Amended	1085	
As Amended	1522	
302 KAR 50:090	2253	
As Amended	2890	5-3-2019
302 KAR 77:010		
Repealed	1858	3-8-2019
302 KAR 77:011*(r)*	1858	
As Amended	2339	3-8-2019
302 KAR 77:030		
Repealed	1858	3-8-2019
302 KAR 78:021*(r)*	3598	
302 KAR 85:010		
Amended	2458	
As Amended	2891	5-3-2019
302 KAR 100:010		
Repealed	1858	11-14-2018
302 KAR 100:011*(r)*	870	11-14-2018
302 KAR 100:020		
Repealed	827	11-14-2018
302 KAR 100:021*(r)*	827	11-14-2018
302 KAR 101:010	3599	
400 KAR 1:001		
Amended	431	10-4-2018
400 KAR 1:040		
Amended	433	
As Amended	958	10-4-2018
400 KAR 1:090		
Amended	439	
As Amended	963	10-4-2018
400 KAR 1:100		
Amended	448	
As Amended	970	10-4-2018
400 KAR 1:110		
Amended	453	
As Amended	974	10-4-2018
400 KAR 2:060		
Amended	1770	
As Amended	2599	4-5-2019
400 KAR 2:070		
Amended	1772	
As Amended	2600	4-5-2019
400 KAR 2:080		
Amended	1773	
As Amended	2601	4-5-2019
400 KAR 2:090		
Amended	1776	
As Amended	2602	4-5-2019
400 KAR 2:100		
Amended	1780	
As Amended	2605	4-5-2019
400 KAR 3:010		
Amended	1782	4-5-2019
400 KAR 3:020		
Amended	1783	
As Amended	2606	4-5-2019
400 KAR 3:030		
Amended	1785	
As Amended	2607	4-5-2019
400 KAR 3:040		
Amended	1786	
As Amended	2607	4-5-2019
400 KAR 4:110		
Amended	1789	
As Amended	2610	4-5-2019
400 KAR 4:125		
Amended	1791	
As Amended	2611	4-5-2019
400 KAR 4:130		
Amended	1796	
As Amended	2615	4-5-2019
400 KAR 4:140		
Amended	1799	
As Amended	2617	4-5-2019
401 KAR 5:002		See 44 Ky.R.
Am Comments	667	
As Amended	982	11-1-2018
401 KAR 5:005		See 44 Ky.R.
Am Comments	675	
As Amended	989	11-1-2018
401 KAR 5:006		See 44 Ky.R.
As Amended	1000	
As Amended IJC	1523	11-1-2018
401 KAR 5:010		
Amended	3514	
401 KAR 5:015		See 44 Ky.R.
Am Comments	687	
As Amended	1002	11-1-2018
401 KAR 5:037		See 44 Ky.R.
Am Comments	690	
As Amended	1003	11-1-2018
401 KAR 5:045		See 44 Ky.R.
As Amended	1008	11-1-2018
401 KAR 5:055		See 44 Ky.R.
As Amended	1009	11-1-2018
401 KAR 5:075		See 44 Ky.R.
As Amended	1011	11-1-2018
401 KAR 5:320		See 44 Ky.R.
Am Comments	696	
As Amended	1012	11-1-2018
401 KAR 8:030		
Amended	3516	
401 KAR 8:050		
Amended	3519	
401 KAR 11:001		
Amended	3522	
401 KAR 11:030		
Amended	3524	
401 KAR 11:040		
Amended	3527	
401 KAR 11:050		
Amended	3531	
401 KAR 11:060		
Amended	3535	
401 KAR 39:060		
Amended	1349	
As Amended	2621	4-5-2019
401 KAR 39:080		
Amended	1355	4-5-2019
401 KAR 39:090		
Amended	1358	
As Amended	2624	4-5-2019
401 KAR 40:050		
Repealed	1465	4-5-2019
401 KAR 40:051*(r)*	1465	4-5-2019
401 KAR 42:005		
Amended	1365	
Am Comments	2360	
As Amended	2630	4-5-2019
401 KAR 42:011		
Repealed	1466	4-5-2019
401 KAR 42:020		
Amended	1370	
Am Comments	2365	
As Amended	2634	4-5-2019
401 KAR 42:030		
Repealed	1466	4-5-2019
401 KAR 42:040		
Repealed	1466	4-5-2019
401 KAR 42:045		
Repealed	1466	4-5-2019

Regulation Number	45 Ky.R. Page No.	Effective Date
401 KAR 42:050		
Repealed	1466	4-5-2019
401 KAR 42:060		
Amended	1380	
Am Comments	2374	
As Amended	2642	4-5-2019
401 KAR 42:070		
Repealed	1466	4-5-2019
401 KAR 42:080		
Repealed	1466	4-5-2019
401 KAR 42:090		
Repealed	1466	4-5-2019
401 KAR 42:095		
Repealed	1466	4-5-2019
401 KAR 42:200		
Repealed	1466	4-5-2019
401 KAR 42:250		
Amended	1384	
Am Comments	2378	
As Amended	2644	4-5-2019
401 KAR 42:290		
Repealed	1466	4-5-2019
401 KAR 42:300		
Repealed	1466	4-5-2019
401 KAR 42:316		
Repealed	1466	4-5-2019
401 KAR 42:320		
Repealed	1466	4-5-2019
401 KAR 42:330		
Amended	1397	
Am Comments	2391	
As Amended	2655	4-5-2019
401 KAR 42:335		
Repealed	1466	4-5-2019
401 KAR 42:340		
Repealed	1466	4-5-2019
401 KAR 42:341*(r)*	1466	4-5-2019
401 KAR 52:050		
Amended	759	
Am Comments	1687	
As Amended	2085	2-1-2019
401 KAR 52:070		
Amended	761	
Am Comments	1689	
As Amended	2085	2-1-2019
405 KAR 10:001		
Amended	2979	
405 KAR 10:015		
Amended	2982	
418 KAR 1:010		
Amended	1804	
As Amended	2658	4-5-2019
418 KAR 1:020		
Amended	1806	
As Amended	2659	4-5-2019
418 KAR 1:040		
Amended	1808	
As Amended	2660	4-5-2019
418 KAR 1:050		
Amended	1809	
As Amended	2661	4-5-2019
418 KAR 1:060		
Amended	1811	
As Amended	2661	4-5-2019
418 KAR 1:070		
Amended	1813	
As Amended	2662	4-5-2019
500 KAR 2:020		
Amended	1815	
As Amended	2892	5-3-2019

Regulation Number	45 Ky.R. Page No.	Effective Date
500 KAR 2:030		
Withdrawn		3-14-2019
500 KAR 3:020		
Amended	1402	
As Amended	2087	2-1-2019
500 KAR 9:011*(r)*	3354	
500 KAR 15:010	3355	
501 KAR 6:020		
Amended	764	
Am Comments	1220	
As Amended	1524	1-4-2019
501 KAR 6:070		See 44 Ky.R.
As Amended	342	8-31-2018
503 KAR 1:110		
Amended	462	
Am Comments	1047	12-7-2018
505 KAR 1:080		
Amended	2460	
As Amended	2895	5-3-2019
505 KAR 1:100		
Amended	2171	
As Amended	2663	4-5-2019
505 KAR 1:110		
Amended	1818	
As Amended	2663	4-5-2019
505 KAR 1:120		See 44 Ky.R.
Am Comments	368	
As Amended	656	10-5-2018
505 KAR 1:140		See 44 Ky.R.
Am Comments	369	10-5-2018
505 KAR 1:180	1859	
As Amended	2664	4-5-2019
505 KAR 1:190	2255	
As Amended	2665	4-5-2019
601 KAR 2:030		
Amended	152	
Withdrawn by agency		1-8-2019
Amended	2464	
603 KAR 2:015		
Amended	2173	
As Amended	2665	4-5-2019
603 KAR 5:070		
Amended	1405	
As Amended	2089	2-1-2019
701 KAR 5:140		
Amended	766	
As Amended	1526	1-4-2019
701 KAR 5:150	1468	
As Amended	2339	3-8-2019
702 KAR 1:160		
Amended	2744	
As Amended	3066	5-31-2019
702 KAR 7:065		
Amended	770	
As Amended	1190	11-19-2018
703 KAR 005:200		
Repealed	2808	5-31-2019
703 KAR 005:211*(r)*	2808	5-31-2019
703 KAR 5:225		See 44 Ky.R.
As Amended	26	8-6-2018
703 KAR 5:270		
Amended	2179	
Am Comments	2707	
As Amended	3068	5-31-2019
703 KAR 5:280		See 44 Ky.R.
As Amended	29	8-6-2018
704 KAR 3:015	215	
As Amended	1016	11-2-2018
704 KAR 3:292		
Amended	1410	

Regulation Number	45 Ky.R. Page No.	Effective Date
As Amended	2341	3-8-2019
704 KAR 3:303		
Amended	1412	3-8-2019
Amended	2987	
As Amended	3410	
704 KAR 3:305		
Amended	1414	
Am Comments	2111	
As Amended	2342	4-5-2019
704 KAR 3:306	217	
Am Comments	700	
As Amended	1017	11-2-2018
Recodified as 704 KAR 8:070		1-10-2019
704 KAR 3:365		
Amended	1418	
As Amended	2348	3-8-2019
704 KAR 007:080		
Repealed	2809	5-31-2019
704 KAR 7:081*(r)*	2809	5-31-2019
704 KAR 8:010	1471	
As Amended	2092	2-1-2019
704 KAR 8:020	1473	
As Amended	2350	3-8-2019
704 KAR 8:030	1474	2-1-2019
704 KAR 8:040	1476	
As Amended	2350	3-8-2019
704 KAR 8:050	1478	2-1-2019
704 KAR 8:060	2810	
Am Comments	3193	
As Amended	3410	
704 KAR 8:070		
Recodified from 704 KAR 3:306		1-10-2019
735 KAR 1:010		See 44 Ky.R.
As Amended	34	8-6-2018
735 KAR 1:020		See 44 Ky.R.
As Amended	36	8-6-2018
735 KAR 2:010		See 44 Ky.R.
As Amended	38	8-6-2018
735 KAR 2:020		See 44 Ky.R.
As Amended	39	8-6-2018
735 KAR 2:030		See 44 Ky.R.
As Amended	39	8-6-2018
735 KAR 2:040		See 44 Ky.R.
As Amended	40	8-6-2018
735 KAR 2:050		See 44 Ky.R.
As Amended	40	8-6-2018
735 KAR 2:060		See 44 Ky.R.
As Amended	41	8-6-2018
787 KAR 1:010		
Amended	1087	
As Amended	1528	1-4-2019
802 KAR 1:010		
Amended	2470	5-31-2019
803 KAR 2:180		
Amended	2989	
803 KAR 2:320		
Amended	2472	
As Amended	2898	5-3-2019
803 KAR 2:505		
Amended	2478	
As Amended	2901	5-3-2019
803 KAR 25:089		
Amended	158	
As Amended	1193	12-7-2018
803 KAR 25:270	2534	
Am Comments	2928	
803 KAR 25:290	2256	
As Amended	2901	5-3-2019
803 KAR 30:010		
Amended	774	
Am Comments	1691	
As Amended	2093	2-1-2019
803 KAR 30:020		
Repealed	873	2-1-2019
803 KAR 30:021*(r)*	873	2-1-2019
803 KAR 50:010		
Amended	780	12-7-2018
As Amended	1193	
804 KAR 1:030		
Amended	2187	
As Amended	2672	4-5-2019
804 KAR 1:070		
Amended	1820	
As Amended	2351	3-8-2019
804 KAR 1:110		
Amended	1822	
As Amended	2351	3-8-2019
804 KAR 2:015		
Repealed	2259	4-5-2019
804 KAR 2:016*(r)*	2259	4-5-2019
804 KAR 4:010		
Repealed	1479	2-1-2019
804 KAR 4:011*(r)*	1479	2-1-2019
804 KAR 5:020		
Repealed	1154	1-4-2019
804 KAR 5:021*(r)*	1154	1-4-2019
804 KAR 5:080	219	11-2-2018
804 KAR 7:020		
Amended	3262	
804 KAR 7:031*(r)*	3360	
804 KAR 8:050		
Amended	1088	1-4-2019
804 KAR 11:030		
Repealed	1860	3-8-2019
804 KAR 11:031*(r)*	1860	3-8-2019
805 KAR 1:210	560	10-4-2018
805 KAR 3:100		
Amended	1421	
As Amended	2097	2-1-2019
Amended	2991	
As Amended	3410	
805 KAR 3:110		
Amended	3538	
805 KAR 7:080		
Amended	2189	
As Amended	2672	4-5-2019
806 KAR 2:092		
Amended	1423	
As Amended	3075	5-31-2019
806 KAR 2:100		
Amended	1425	
As Amended	3076	5-31-2019
806 KAR 002:120		
Repealed	1480	5-31-2019
806 KAR 2:121*(r)*	1480	5-31-2019
806 KAR 002:150		
Repealed	1480	5-31-2019
806 KAR 005:010		
Repealed	1482	5-31-2019
806 KAR 5:011*(r)*	1482	5-31-2019
As Amended	3076	
806 KAR 5:020		
Repealed	1482	5-31-2019
806 KAR 9:001		
Amended	3264	
806 KAR 9:020		
Amended	3265	
806 KAR 9:030		
Amended	3539	
806 KAR 9:061*(r)*	3361	

Regulation Number	45 Ky.R. Page No.	Effective Date
806 KAR 9:070		
Amended	3267	
806 KAR 9:110		
Amended	3541	
806 KAR 9:190		
Amended	3542	
806 KAR 9:200		
Amended	3543	
806 KAR 9:310		
Amended	3269	
806 KAR 9:321*(r)*	3362	
806 KAR 9:341*(r)*	3600	
806 KAR 9:350		
Amended	3545	
806 KAR 9:360		
Amended	159	
As Amended	656	10-5-2018
806 KAR 10:030		
Amended	1824	
Am Comments	2716	
As Amended	3411	
806 KAR 10:051*(r)*	3363	
806 KAR 15:081*(r)*	3601	
806 KAR 17:010		
Repealed	561	11-2-2018
806 KAR 17:020		
Amended	446	11-2-2018
806 KAR 17:090		
Repealed	561	11-2-2018
806 KAR 17:091*(r)*	561	11-2-2018
806 KAR 17:130		
Repealed	561	11-2-2018
806 KAR 17:300		
Amended	437	11-2-2018
806 KAR 17:310		
Repealed	561	11-2-2018
806 KAR 17:320		
Repealed	561	11-2-2018
806 KAR 17:330		
Repealed	561	11-2-2018
806 KAR 17:360		
Amended	470	11-2-2018
806 KAR 17:440		
Repealed	561	11-2-2018
806 KAR 17:460		
Repealed	561	11-2-2018
806 KAR 17:500		
Repealed	561	11-2-2018
806 KAR 17:540		
Repealed	561	11-2-2018
806 KAR 17:545		
Repealed	561	11-2-2018
806 KAR 17:555		
Repealed	561	11-2-2018
806 KAR 17:570		
Amended	161	
As Amended	1202	12-7-2018
806 KAR 47:010		
Amended	2993	
806 KAR 47:021*(r)*	2997	
807 KAR 5:022		
Am Comments	62	8-6-2018
807 KAR 5:026		
Am Comments	92	8-6-2018
807 KAR 5:056		
Amended	3272	
808 KAR 1:060		
Amended	2192	
As Amended	2904	5-3-2019
808 KAR 1:140		
Amended	2194	
As Amended	2904	5-3-2019
808 KAR 001:020		
Repealed	2260	5-3-2019
808 KAR 001:050		
Repealed	2260	5-3-2019
808 KAR 001:090		
Repealed	2260	5-3-2019
808 KAR 001:120		
Repealed	2260	5-3-2019
808 KAR 001:130		
Repealed	2260	5-3-2019
808 KAR 001:150		
Repealed	2260	5-3-2019
808 KAR 001:160		
Repealed	2260	5-3-2019
808 KAR 001:161*(r)*	2260	5-3-2019
808 KAR 1:170	2261	
As Amended	2906	5-3-2019
808 KAR 1:180	2266	
808 KAR 3:050		
Amended	2196	
As Amended	2908	5-3-2019
808 KAR 003:020		
Repealed	2268	5-3-2019
808 KAR 003:060		
Repealed	2268	5-3-2019
808 KAR 003:061*(r)*	2268	
As Amended	2910	5-3-2019
808 KAR 005:041		
Repealed	2269	5-3-2019
808 KAR 005:041*(r)*	2269	5-3-2019
808 KAR 006:015		
Repealed	2910	5-3-2019
808 KAR 6:095		
Amended	2199	
As Amended	2910	5-3-2019
808 KAR 006:105		
Repealed	2910	5-3-2019
808 KAR 006:115		
Repealed	2910	5-3-2019
808 KAR 006:120		
Repealed	2910	5-3-2019
808 KAR 6:121*(r)*	2270	
As Amended	2910	5-3-2019
808 KAR 9:010		
Amended	2220	5-3-2019
808 KAR 009:020		
Repealed	2271	5-3-2019
808 KAR 009:030		
Repealed	2271	5-3-2019
808 KAR 9:031*(r)*	2271	5-3-2019
808 KAR 9:040		
Amended	2202	
As Amended	2911	5-3-2019
808 KAR 9:050		
Amended	2203	5-3-2019
808 KAR 011:020		
Repealed	2272	5-3-2019
808 KAR 011:021*(r)*	2272	5-3-2019
808 KAR 012:002		
Repealed	2911	5-3-2019
808 KAR 012:021		
Repealed	2911	5-3-2019
808 KAR 012:022		
Repealed	2911	5-3-2019
808 KAR 012:023		
Repealed	2911	5-3-2019
808 KAR 012:024		
Repealed	2911	5-3-2019

Regulation Number	45 Ky.R. Page No.	Effective Date
808 KAR 012:026		
Repealed	2911	5-3-2019
808 KAR 012:030		
Repealed	2911	5-3-2019
808 KAR 012:050		
Amended	2206	
As Amended	2911	5-3-2019
808 KAR 012:055		
Amended	2207	5-3-2019
808 KAR 012:110		
Repealed	2911	5-3-2019
808 KAR 012:111*(r)*	2273	
As Amended	2911	5-3-2019
808 KAR 14:010	2275	
As Amended	2912	5-3-2019
808 KAR 14:020	2277	5-3-2019
808 KAR 15:010	2278	
As Amended	2913	5-3-2019
808 KAR 15:020	2279	
As Amended	2913	5-3-2019
808 KAR 15:030	2281	
As Amended	2913	5-3-2019
808 KAR 15:040	2283	
As Amended	2914	5-3-2019
810 KAR 001:004		
Repealed	1862	5-31-2019
810 KAR 001:005		
Repealed	1862	5-31-2019
810 KAR 001:004		
Repealed	1862	5-31-2019
810 KAR 001:007		
Repealed	1862	5-31-2019
810 KAR 001:008		
Repealed	1862	5-31-2019
810 KAR 001:009		
Repealed	1862	5-31-2019
810 KAR 001:010		
Repealed	1862	5-31-2019
810 KAR 001:012		
Repealed	1862	5-31-2019
810 KAR 001:014		
Repealed	1862	5-31-2019
810 KAR 001:015		
Repealed	1862	5-31-2019
810 KAR 001:016		
Repealed	1862	5-31-2019
810 KAR 001:017		
Repealed	1862	5-31-2019
810 KAR 001:018		
Repealed	1862	5-31-2019
810 KAR 001:021		
Repealed	1862	5-31-2019
810 KAR 001:024		
Repealed	1862	5-31-2019
810 KAR 001:025		
Repealed	1862	5-31-2019
810 KAR 001:026		
Repealed	1862	5-31-2019
810 KAR 001:027		
Repealed	1862	5-31-2019
810 KAR 001:028		
Repealed	1862	5-31-2019
810 KAR 001:029		
Repealed	1862	5-31-2019
810 KAR 001:030		
Repealed	1862	5-31-2019
810 KAR 001:037		
Repealed	1862	5-31-2019
810 KAR 001:040		
Repealed	1862	5-31-2019
810 KAR 001:050		
Repealed	1862	5-31-2019
810 KAR 001:060		
Repealed	1862	5-31-2019
810 KAR 001:070		
Repealed	1862	5-31-2019
810 KAR 001:080		
Repealed	1862	5-31-2019
810 KAR 001:090		
Repealed	1862	5-31-2019
810 KAR 001:100		
Repealed	1862	5-31-2019
810 KAR 001:110		
Repealed	1862	5-31-2019
810 KAR 001:130		
Repealed	1862	5-31-2019
810 KAR 001:140		
Repealed	1862	5-31-2019
810 KAR 001:145		
Repealed	1862	5-31-2019
810 KAR 001:150		
Repealed	1862	5-31-2019
810 KAR 001:300		
Repealed	1862	5-31-2019
810 KAR 001:301*(r)*	1862	5-31-2019
810 KAR 2:001	1863	
Am Comments	2718	
As Amended	3076	5-31-2019
810 KAR 2:010	1866	
As Amended	3078	5-31-2019
810 KAR 2:020	1868	
As Amended	3079	5-31-2019
810 KAR 2:030	1870	
As Amended	3081	5-31-2019
810 KAR 2:040	1873	
As Amended	3082	5-31-2019
810 KAR 2:050	1875	
As Amended	3084	5-31-2019
810 KAR 2:060	1880	
As Amended	3087	5-31-2019
810 KAR 2:070	1881	
As Amended	3088	5-31-2019
810 KAR 2:080	1886	
As Amended	3092	5-31-2019
810 KAR 3:001	1890	
As Amended	3095	5-31-2019
810 KAR 3:010	1892	
As Amended	3096	5-31-2019
810 KAR 3:020	1895	
As Amended	3098	5-31-2019
810 KAR 3:030	1901	
As Amended	3104	5-31-2019
810 KAR 3:040	1904	
As Amended	3106	5-31-2019
810 KAR 3:050	1909	
As Amended	3110	5-31-2019
810 KAR 4:001	1912	
Am Comments	2720	
As Amended	3111	5-31-2019
810 KAR 4:010	1915	
As Amended	3113	5-31-2019
810 KAR 4:020	1918	
Am Comments	2723	
As Amended	3115	5-31-2019
810 KAR 4:030	1919	
As Amended	3116	5-31-2019
810 KAR 4:040	1923	
As Amended	3118	5-31-2019
810 KAR 4:050	1925	
As Amended	3120	5-31-2019

Regulation Number	45 Ky.R. Page No.	Effective Date
810 KAR 4:060	1927	
As Amended	3121	5-31-2019
810 KAR 4:070	1930	
As Amended	3122	5-31-2019
810 KAR 4:080	1934	
As Amended	3123	5-31-2019
810 KAR 4:090	1936	
As Amended	3123	5-31-2019
810 KAR 4:100	1938	
As Amended	3126	5-31-2019
810 KAR 5:001	1940	
As Amended	3129	5-31-2019
810 KAR 5:010	1942	
As Amended	3131	5-31-2019
810 KAR 5:020	1944	5-31-2019
810 KAR 5:030	1947	
As Amended	3131	5-31-2019
810 KAR 5:040	1949	
As Amended	3133	5-31-2019
810 KAR 5:050	1951	
As Amended	3134	5-31-2019
810 KAR 5:060	1953	
As Amended	3135	5-31-2019
810 KAR 5:070	1958	
As Amended	3139	5-31-2019
810 KAR 5:080	1963	
As Amended	3144	5-31-2019
810 KAR 6:020	1966	
As Amended	3145	5-31-2019
810 KAR 7:010	1976	
As Amended	3154	5-31-2019
810 KAR 7:020	1978	
As Amended	3154	5-31-2019
810 KAR 7:030	1982	5-31-2019
810 KAR 7:040	1984	
As Amended	3158	5-31-2019
810 KAR 7:060	1989	
As Amended	3161	5-31-2019
810 KAR 7:070	1992	
As Amended	3164	5-31-2019
810 KAR 8:010	1995	
As Amended	3165	5-31-2019
810 KAR 8:020	2001	
As Amended	3170	5-31-2019
810 KAR 8:030	2003	
As Amended	3171	5-31-2019
810 KAR 8:040	2009	
As Amended	3176	5-31-2019
810 KAR 8:050	2014	5-31-2019
810 KAR 8:060	2016	
As Amended	3180	5-31-2019
810 KAR 9:010	2018	
As Amended	3181	5-31-2019
811 KAR 001:010		
Repealed	2020	5-31-2019
811 KAR 001:015		
Repealed	2020	5-31-2019
811 KAR 001:020		
Repealed	2020	5-31-2019
811 KAR 001:025		
Repealed	2020	5-31-2019
811 KAR 001:030		
Repealed	2020	5-31-2019
811 KAR 001:035		
Repealed	2020	5-31-2019
811 KAR 001:037		
Repealed	2020	5-31-2019
811 KAR 001:045		
Repealed	2020	5-31-2019
811 KAR 001:050		
Repealed	2020	5-31-2019
811 KAR 001:055		
Repealed	2020	5-31-2019
811 KAR 001:060		
Repealed	2020	5-31-2019
811 KAR 001:065		
Repealed	2020	5-31-2019
811 KAR 001:070		
Repealed	2020	5-31-2019
811 KAR 001:075		
Repealed	2020	5-31-2019
811 KAR 001:080		
Repealed	2020	5-31-2019
811 KAR 001:085		
Repealed	2020	5-31-2019
811 KAR 001:090		
Repealed	2020	5-31-2019
811 KAR 001:093		
Repealed	2020	5-31-2019
811 KAR 001:095		
Repealed	2020	5-31-2019
811 KAR 001:100		
Repealed	2020	5-31-2019
811 KAR 001:105		
Repealed	2020	5-31-2019
811 KAR 001:110		
Repealed	2020	5-31-2019
811 KAR 001:115		
Repealed	2020	5-31-2019
811 KAR 001:120		
Repealed	2020	5-31-2019
811 KAR 001:130		
Repealed	2020	5-31-2019
811 KAR 001:140		
Repealed	2020	5-31-2019
811 KAR 001:150		
Repealed	2020	5-31-2019
811 KAR 001:185		
Repealed	2020	5-31-2019
811 KAR 001:215		
Repealed	2020	5-31-2019
811 KAR 001:220		
Repealed	2020	5-31-2019
811 KAR 001:225		
Repealed	2020	5-31-2019
811 KAR 001:230		
Repealed	2020	5-31-2019
811 KAR 001:260		
Repealed	2020	5-31-2019
811 KAR 001:280		
Repealed	2020	5-31-2019
811 KAR 001:285		
Repealed	2020	5-31-2019
811 KAR 001:290		
Repealed	2020	5-31-2019
811 KAR 001:300		
Repealed	2020	5-31-2019
811 KAR 001:301*(r)*	2020	5-31-2019
811 KAR 002:015		
Repealed	2021	5-31-2019
811 KAR 002:020		
Repealed	2021	5-31-2019
811 KAR 002:025		
Repealed	2021	5-31-2019
811 KAR 002:030		
Repealed	2021	5-31-2019
811 KAR 002:035		
Repealed	2021	5-31-2019
811 KAR 002:040		
Repealed	2021	5-31-2019

Regulation Number	45 Ky.R. Page No.	Effective Date
811 KAR 002:045		
Repealed	2021	5-31-2019
811 KAR 002:056		
Repealed	2021	5-31-2019
811 KAR 002:065		
Repealed	2021	5-31-2019
811 KAR 002:070		
Repealed	2021	5-31-2019
811 KAR 002:075		
Repealed	2021	5-31-2019
811 KAR 002:080		
Repealed	2021	5-31-2019
811 KAR 002:085		
Repealed	2021	5-31-2019
811 KAR 002:090		
Repealed	2021	5-31-2019
811 KAR 002:093		
Repealed	2021	5-31-2019
811 KAR 002:096		
Repealed	2021	5-31-2019
811 KAR 002:100		
Repealed	2021	5-31-2019
811 KAR 002:105		
Repealed	2021	5-31-2019
811 KAR 002:110		
Repealed	2021	5-31-2019
811 KAR 002:130		
Repealed	2021	5-31-2019
811 KAR 002:140		
Repealed	2021	5-31-2019
811 KAR 002:150		
Repealed	2021	5-31-2019
811 KAR 002:170		
Repealed	2021	5-31-2019
811 KAR 002:180		
Repealed	2021	5-31-2019
811 KAR 002:185		
Repealed	2021	5-31-2019
811 KAR 002:190		
Repealed	2021	5-31-2019
811 KAR 002:200		
Repealed	2021	5-31-2019
811 KAR 002:300		
Repealed	2021	5-31-2019
811 KAR 002:301*(r)*	2021	5-31-2019
815 KAR 2:010	874	
As Amended	1529	1-4-2019
815 KAR 2:020	876	
As Amended	1530	1-4-2019
815 KAR 2:030	879	1-4-2019
815 KAR 2:040	881	1-4-2019
815 KAR 4:030		
Amended	790	
As Amended	1532	1-4-2019
815 KAR 4:040		
Repealed	882	1-4-2019
815 KAR 4:050		
Repealed	882	1-4-2019
815 KAR 4:060		
Repealed	882	1-4-2019
815 KAR 4:070		
Repealed	882	1-4-2019
815 KAR 4:071*(r)*	882	1-4-2019
815 KAR 6:001		
Amended	1090	
As Amended	2674	4-5-2019
Recodified as 831 KAR 2:010		4-18-2019
815 KAR 6:010		
Amended	1091	
Am Comments	2117	
As Amended	2674	4-5-2019
Recodified as 831 KAR 2:020		4-18-2019
815 KAR 6:020		
Repealed	1155	4-5-2019
815 KAR 6:030		
Amended	1096	
As Amended	2678	4-5-2019
Recodified as 831 KAR 2:030		4-18-2019
815 KAR 6:040		
Amended	1099	
Am Comments	2121	
As Amended	2681	4-5-2019
815 KAR 6:080		
Repealed	1155	4-5-2019
815 KAR 6:090		
Repealed	1155	4-5-2019
815 KAR 6:100		
Repealed	1155	4-5-2019
815 KAR 6:101*(r)*	1155	4-5-2019
815 KAR 7:070		
Amended	794	
As Amended	1534	1-4-2019
815 KAR 7:110		See 44 Ky.R.
As Amended	343	8-22-2018
815 KAR 7:120		See 44 Ky.R.
Am Comments	96	8-22-2018
Amended	3274	
815 KAR 7:125		See 44 Ky.R.
Am Comments	98	8-22-2018
Amended	3277	
815 KAR 8:010		
Amended	800	
As Amended	1539	1-4-2019
815 KAR 8:030		
Amended	804	
As Amended	1542	1-4-2019
815 KAR 8:070		See 44 Ky.R.
As Amended	345	8-22-2018
815 KAR 8:080		See 44 Ky.R.
As Amended	347	8-22-2018
815 KAR 8:020		
Repealed	883	1-4-2019
815 KAR 8:035		
Repealed	883	1-4-2019
815 KAR 8:050		
Repealed	883	1-4-2019
815 KAR 8:060		
Repealed	883	1-4-2019
815 KAR 8:090		
Repealed	883	1-4-2019
815 KAR 8:091*(r)*	883	1-4-2019
815 KAR 8:095		
Repealed	883	1-4-2019
815 KAR 8:100		See 44 Ky.R.
As Amended	348	8-22-2018
815 KAR 15:080		
Amended	805	
As Amended	1543	1-4-2019
815 KAR 20:030		
Amended	808	
As Amended	1544	1-4-2019
815 KAR 20:012		
Repealed	885	1-4-2019
815 KAR 20:015		
Repealed	885	1-4-2019
815 KAR 20:018		
Repealed	885	1-4-2019
815 KAR 20:032		
Repealed	885	1-4-2019
815 KAR 20:034		

Regulation Number	45 Ky.R. Page No.	Effective Date
Repealed	885	1-4-2019
815 KAR 20:040		
Repealed	885	1-4-2019
815 KAR 20:041*(r)*	885	1-4-2019
815 KAR 22:010		
Repealed	886	1-4-2019
815 KAR 22:011*(r)*	886	1-4-2019
815 KAR 25:001	887	
As Amended	1547	1-4-2019
815 KAR 25:020		
Amended	813	
As Amended	1548	1-4-2019
815 KAR 25:040		
Amended	821	
As Amended	1555	1-4-2019
815 KAR 25:050		
Amended	822	
As Amended	1556	1-4-2019
815 KAR 25:060		
Amended	827	
As Amended	1560	1-4-2019
815 KAR 25:070		
Repealed	889	1-4-2019
815 KAR 25:080		
Repealed	889	1-4-2019
815 KAR 25:081*(r)*	889	1-4-2019
815 KAR 25:090		
Amended	832	1-4-2019
815 KAR 25:100		
Amended	835	1-4-2019
815 KAR 35:015		
Amended	837	
As Amended	1567	1-4-2019
815 KAR 35:020		
Amended	841	1-4-2019
815 KAR 35:060		
Amended	845	
As Amended	1570	1-4-2019
815 KAR 35:080		
Amended	849	1-4-2019
815 KAR 35:090		
Amended	850	1-4-2019
815 KAR 35:100		
Repealed	890	1-4-2019
815 KAR 35:101*(r)*	890	1-4-2019
820 KAR 1:001		See 44 Ky.R.
As Amended	1573	1-4-2019
820 KAR 1:005		See 44 Ky.R.
As Amended	1576	1-4-2019
820 KAR 1:025		See 44 Ky.R.
As Amended	1578	1-4-2019
820 KAR 1:032		See 44 Ky.R.
Am Comments	702	
As Amended	1579	1-4-2019
820 KAR 1:042		See 44 Ky.R.
As Amended	1592	1-4-2019
820 KAR 1:050		See 44 Ky.R.
Am Comments	715	
As Amended	1599	1-4-2019
820 KAR 1:055		See 44 Ky.R.
As Amended	1600	1-4-2019
820 KAR 1:057		See 44 Ky.R.
Am Comments	718	
As Amended	1601	1-4-2019
820 KAR 1:060		See 44 Ky.R.
Am Comments	724	
As Amended	1607	1-4-2019
820 KAR 1:130		See 44 Ky.R.
As Amended	1607	1-4-2019
820 KAR 1:135		See 44 Ky.R.
As Amended	1608	1-4-2019
830 KAR 1:010		
Amended	180	9-13-2018
830 KAR 2:001	563	11-2-2018
830 KAR 2:010	564	
As Amended	1021	11-2-2018
Amended	2480	5-3-2019
830 KAR 2:020	566	
As Amended	1022	11-2-2018
831 KAR 1:010		
Recodified from 201 KAR 3:090		10-12-2018
Amended	3546	
831 KAR 1:020		
Recodified from 201 KAR 3:045		10-12-2018
Amended	3549	
831 KAR 1:030		
Recodified from 201 KAR 3:100		10-12-2018
Amended	3551	
831 KAR 2:001		
Recodified from 815 KAR 6:001		4-18-2019
831 KAR 2:020		
Recodified from 815 KAR 6:010		4-18-2019
831 KAR 2:030		
Recodified from 815 KAR 6:030		4-18-2019
895 KAR 1:001	567	
Am Comments	1222	
As Amended	1609	1-4-2019
895 KAR 1:010	570	
Am Comments	1225	
As Amended	1611	1-4-2019
895 KAR 1:015	573	
Am Comments	1228	
As Amended	1613	1-4-2019
895 KAR 1:020	576	
Am Comments	1231	
As Amended	1615	1-4-2019
895 KAR 1:025	579	
As Amended	1616	1-4-2019
895 KAR 1:030	581	
Am Comments	1233	
As Amended	1617	1-4-2019
895 KAR 1:035	583	
As Amended	1618	1-4-2019
895 KAR 1:040	585	
As Amended	1619	1-4-2019
895 KAR 1:045	587	
As Amended	1620	1-4-2019
895 KAR 1:050	589	
Am Comments	1236	
As Amended	1621	1-4-2019
895 KAR 1:055	591	
As Amended	1621	1-4-2019
900 KAR 1:090		
Repealed	891	11-27-2018
900 KAR 1:091*(r)*	891	11-27-2018
900 KAR 2:020		
Repealed	1156	2-21-2019
900 KAR 2:021*(r)*	1156	2-21-2019
900 KAR 2:040		
Amended	1103	
Am Comments	2125	2-21-2019
900 KAR 5:020		
Amended	472	
Am Comments	1238	
As Amended	1622	12-12-2018
900 KAR 6:020		
Amended	1110	12-12-2018
900 KAR 6:075		
Amended	1427	
Am Comments	2395	5-31-2019

Regulation Number	45 Ky.R. Page No.	Effective Date
900 KAR 7:030		
Amended	2482	5-31-2019
900 KAR 9:010		
Amended	2210	
As Amended	2683	3-13-2019
900 KAR 010:020		
Repealed	2537	5-31-2019
900 KAR 010:010		
Repealed	2537	5-31-2019
900 KAR 10:021*(r)*	2537	5-31-2019
900 KAR 010:110		
Repealed	2537	5-31-2019
900 KAR 11:010		
Amended	1111	12-12-2018
902 KAR 2:055		See 44 Ky.R.
As Amended	350	8-31-2018
902 KAR 2:070		
Amended	3279	
902 KAR 4:030		
Amended	3553	
902 KAR 4:035		
Amended	3557	
902 KAR 7:010		
Amended	3560	
902 KAR 8:165		
Amended	1430	1-23-2019
902 KAR 8:170		
Amended	1432	
As Amended	2098	1-23-2019
902 KAR 9:010		
Amended	3564	
902 KAR 10:040		
Am Comments	100	See 44 Ky.R.
As Amended	351	8-13-2018
902 KAR 10:050		
Repealed	593	! 11-2-2018
902 KAR 10:051*(r)*	593	! 11-2-2018
902 KAR 15:010		
Amended	3281	
902 KAR 19:010		
Amended	2777	
As Amended	3182	5-31-2019
902 KAR 20:008		
Amended	474	
As Amended	1022	! 11-2-2018
902 KAR 20:016		See 44 Ky.R.
As Amended	355	8-31-2018
902 KAR 20:036		
Amended	3286	
902 KAR 20:058		
Repealed	312	7-13-2018
902 KAR 020:073		
Repealed	2812	5-31-2019
902 KAR 020:076	2812	5-31-2019
902 KAR 20:111		
Amended	2781	
Am Comments	3416	
902 KAR 20:145		
Repealed	312	7-13-2018
902 KAR 20:190		
Repealed	312	7-13-2018
902 KAR 20:250		
Repealed	595	! 11-2-2018
902 KAR 20:251*(r)*	595	! 11-2-2018
902 KAR 20:260		
Amended	479	
As Amended	1026	! 11-2-2018
902 KAR 20:275		
Amended	485	
As Amended	1031	! 11-2-2018
902 KAR 20:300		
Amended	1117	12-12-2018
902 KAR 20:400		
Repealed	312	7-13-2018
902 KAR 45:005		
Amended	1127	
Am Comments	2132	2-21-2019
902 KAR 45:006		
Repealed	1157	2-21-2019
902 KAR 45:007*(r)*	1157	2-21-2019
902 KAR 45:065		
Amended	3294	
902 KAR 45:070		
Amended	3304	
902 KAR 45:075		
Amended	3314	
902 KAR 45:110		
Amended	3568	
902 KAR 45:120		
Amended	3571	
902 KAR 45:140		
Repealed	1157	2-21-2019
902 KAR 45:090		
Amended	1130	
Am Comments	2136	2-21-2019
902 KAR 45:160		
Amended	495	
As Amended	1040	! 11-2-2018
902 KAR 47:040		
Repealed	596	! 11-2-2018
902 KAR 47:050		
Repealed	596	! 11-2-2018
902 KAR 47:060		
Repealed	596	! 11-2-2018
902 KAR 47:070		
Repealed	596	! 11-2-2018
902 KAR 47:071*(r)*	596	! 11-2-2018
902 KAR 50:101*(r)*	3364	
902 KAR 50:110		
Amended	3316	
902 KAR 55:010		
Repealed	313	7-13-2018
902 KAR 100:017		
Repealed	597	12-12-2018
902 KAR 100:018*(r)*	597	12-12-2018
902 KAR 100:022		
Amended	499	
Am Comments	1240	
As Amended	1622	12-12-2018
902 KAR 100:052		
Amended	508	
As Amended	1630	12-12-2018
902 KAR 100:060		
Repealed	597	12-12-2018
902 KAR 100:070		
Amended	510	
Am Comments	1248	
As Amended	1631	12-12-2018
902 KAR 100:072		
Amended	517	
Am Comments	1255	
As Amended	1637	12-12-2018
902 KAR 100:090		
Repealed	597	12-12-2018
902 KAR 100:100		
Amended	542	
Am Comments	1280	
As Amended	1661	12-12-2018
902 KAR 100:142		
Amended	550	

Regulation Number	45 Ky.R. Page No.	Effective Date
Am Comments	1288	
As Amended	1667	12-12-2018
906 KAR 1:050		
Repealed	315	7-13-2018
906 KAR 1:060		
Repealed	315	7-13-2018
906 KAR 1:070		
Repealed	315	7-13-2018
906 KAR 1:190		
Amended	181	11-27-2018
906 KAR 1:200		See 44 Ky.R.
As Amended	42	7-18-2018
907 KAR 1:005		
Amended	1439	2-1-2019
907 KAR 1:022		
Amended	2784	
Am Comments	3419	
907 KAR 1:025		
Amended	1138	
As Amended	1673	1-4-2019
907 KAR 1:075		
Amended	1441	
As Amended	2104	2-1-2019
907 KAR 1:120		
Repealed	892	11-27-2018
907 KAR 1:121*(r)*	892	11-27-2018
907 KAR 1:130		
Repealed	892	11-27-2018
907 KAR 1:270		
Amended	2212	
As Amended	2684	4-5-2019
907 KAR 1:280		
Amended	2214	4-5-2019
907 KAR 1:330		
Amended	2790	
907 KAR 1:340		
Amended	2793	
907 KAR 1:360		
Amended	2215	
907 KAR 1:441	2813	4-5-2019
907 KAR 1:560		
Amended	1826	
Am Comments	2725	
As Amended	2915	5-3-2019
907 KAR 1:563		
Amended	1830	
Am Comments	2729	
As Amended	2918	5-3-2019
907 KAR 1:604		
Amended	2485	
Amended	3318	
907 KAR 1:642	598	
Withdrawn by agency		9-21-2018
907 KAR 1:755		
Amended	2796	
907 KAR 3:170		
Amended	2489	
907 KAR 5:005		
Amended	2496	
As Amended	3412	
907 KAR 8:040		
Amended	1444	
As Amended	2352	3-8-2019
907 KAR 10:820		
Amended	2218	
Am Comments	2930	
As Amended	3184	5-31-2019
908 KAR 1:341*(r)*	2538	
908 KAR 1:370		
Amended	2500	
Am Comments	3195	
908 KAR 1:372	2539	
Am Comments	3215	
908 KAR 1:374	2546	
Am Comments	3222	
910 KAR 1:090		
Amended	187	
As Amended	657	9-19-2018
910 KAR 1:240		
Amended	2223	
Am Comments	2733	
As Amended	2921	5-3-2019
910 KAR 2:020		
Amended	3322	
910 KAR 2:030		See 44 Ky.R.
Am Comments	371	
As Amended	662	9-19-2018
910 KAR 2:040		
Amended	3573	
911 KAR 1:010	2814	
Am Comments	3425	
911 KAR 1:020	2819	
Am Comments	3430	
911 KAR 1:060	2823	
Am Comments	3434	
911 KAR 1:071*(r)*	2828	
920 KAR 2:010		
Recodified as 922 KAR 8:010		2-1-2019
920 KAR 2:020		
Recodified as 922 KAR 5:020		2-1-2019
920 KAR 2:040		
Recodified as 922 KAR 1:580		2-1-2019
921 KAR 1:380		
Amended	193	9-19-2018
Amended	3583	
921 KAR 2:015		
Amended	2520	
Am Comments	3232	
921 KAR 2:055		
Amended	1835	
Am Comments	2738	
As Amended	2925	5-3-2019
921 KAR 3:025		
Amended	196	
As Amended	1677	12-12-2018
921 KAR 3:030		
Amended	200	
As Amended	664	9-19-2018
921 KAR 3:035		
Amended	202	
As Amended	1680	12-12-2018
921 KAR 3:050		
Amended	1838	2-21-2019
921 KAR 3:060		
Amended	1842	5-3-2019
921 KAR 3:070		
Amended	1845	5-3-2019
922 KAR 1:010		
Amended	1142	
Am Comments	2143	
As Amended	2354	2-21-2019
922 KAR 1:050		
Amended	1447	
As Amended	2685	3-13-2019
922 KAR 1:060		
Amended	1451	1-23-2019
922 KAR 1:100		
Amended	1147	
Am Comments	2147	
As Amended	2357	2-21-2019

Regulation Number	45 Ky.R. Page No.	Effective Date
922 KAR 1:140		
Amended	2228	
Am Comments	2935	5-31-2019
922 KAR 1:305		
Amended	2231	
Am Comments	2938	5-31-2019
922 KAR 1:310		
Amended	3326	
922 KAR 1:350		
Amended	3340	
922 KAR 1:360		
Amended	853	
Am Comments	1696	
As Amended	2106	1-23-2019
922 KAR 1:400		
Amended	2235	5-31-2019
922 KAR 1:410		
Repealed	1159	12-12-2018
922 KAR 1:411*(r)*	1159	12-12-2018
922 KAR 1:470		
Amended	3587	
922 KAR 1:495		
Amended	3350	
922 KAR 1:500		
Amended	2238	3-13-2019
922 KAR 1:510		
Amended	3589	
922 KAR 1:530		
Amended	1454	
Am Comments	2398	3-13-2019
922 KAR 1:560	600	
Am Comments	1294	
As Amended	1682	12-12-2018
922 KAR 1:565	2284	
Am Comments	2942	
As Amended	3187	5-31-2019
922 KAR 1:580		
Recodified from 920 KAR 2:040		2-1-2019
922 KAR 2:120		See 44 Ky.R.
As Amended	43	7-18-2018
922 KAR 2:160		
Amended	2284	
Am Comments	2945	5-31-2019
922 KAR 2:180		See 44 Ky.R.
As Amended	51	7-18-2018
922 KAR 2:190		See 44 Ky.R.
As Amended	56	7-18-2018
922 KAR 2:270		See 44 Ky.R.
As Amended	57	7-18-2018
922 KAR 5:020		
Recodified from 920 KAR 2:020		2-1-2019
922 KAR 8:010		
Recodified from 920 KAR 2:010		2-1-2019

SYMBOL KEY:

* Statement of Consideration not filed by deadline

** Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))

*** Withdrawn before being printed in Register

IJC Interim Joint Committee

(r) Repealer regulation: KRS 13A.310(3)-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.

! Although the Interim Joint Committee on Health and Welfare and Family Services met on October 17, 2018, a quorum was not present; therefore, pursuant to KRS 13A.330(1), these regulations went into effect at the end of the 30-day review period on November 2, 2018.

KRS SECTION	REGULATION
2.015	922 KAR 001:310
	922 KAR 001:350
11A.010	009 KAR 001:010
11A.050	009 KAR 001:010
11A.080	009 KAR 001:015
	009 KAR 001:030
11A.100	009 KAR 001:030
11A.201	009 KAR 001:040
11A.211	009 KAR 001:040
11A.216	009 KAR 001:040
11A.221	009 KAR 001:040
11A.231	009 KAR 001:040
11A.233	009 KAR 001:040
11A.236	009 KAR 001:040
11A.241	009 KAR 001:040
11A.990	009 KAR 001:040
12.040	101 KAR 003:050
12.050	101 KAR 003:050
12.357	201 KAR 006:030
13A	301 KAR 003:091
13B	201 KAR 020:161
	201 KAR 020:162
	201 KAR 026:140
	603 KAR 002:015
	802 KAR 001:010
	900 KAR 002:021
	900 KAR 007:030
	902 KAR 045:160
	906 KAR 001:190
	907 KAR 001:560
	907 KAR 001:563
	910 KAR 001:090
	910 KAR 001:240
	921 KAR 002:055
	921 KAR 003:060
	921 KAR 003:070
	922 KAR 001:360
	922 KAR 001:500
13B.040	900 KAR 002:040
13B.050	900 KAR 002:040
	908 KAR 001:370
	922 KAR 001:305
13B.080	900 KAR 002:040
13B.090	900 KAR 002:040
13B.110	900 KAR 002:040
13B.125	908 KAR 001:370
13B.130	900 KAR 002:040
15.330	503 KAR 001:110
15.386	503 KAR 001:110
15.404	503 KAR 001:110
15.440	503 KAR 001:110
15A.065	505 KAR 001:100
	505 KAR 001:110
	505 KAR 001:180
	505 KAR 001:190
15A.0652	505 KAR 001:100
	505 KAR 001:110
	505 KAR 001:180
	505 KAR 001:190
15A.067	505 KAR 001:100
	505 KAR 001:110
	505 KAR 001:180
	505 KAR 001:190
15A.350 - 15A.366	500 KAR 015:010
17.165	910 KAR 001:240
	922 KAR 001:305
	922 KAR 001:310
	922 KAR 001:470
17.500	908 KAR 001:370
	922 KAR 001:310
17.500 - 17.540	910 KAR 002:040

KRS SECTION	REGULATION
18A.005	101 KAR 002:020
	101 KAR 002:076
	101 KAR 002:190
18A.030	101 KAR 002:020
	101 KAR 002:034
	101 KAR 002:095
	101 KAR 002:210
18A.032	101 KAR 002:020
18A.110	101 KAR 002:020
	101 KAR 002:034
	101 KAR 002:076
	101 KAR 002:095
	101 KAR 002:180
	101 KAR 002:190
	101 KAR 003:045
	101 KAR 003:050
18A.115	101 KAR 002:076
	101 KAR 003:050
18A.120	101 KAR 002:076
18A.155	101 KAR 003:045
	101 KAR 003:050
18A.165	101 KAR 002:034
18A.202	101 KAR 003:045
18A.225	101 KAR 002:210
18A.2254	101 KAR 002:210
23A.010	921 KAR 002:055
	921 KAR 003:070
36.450	201 KAR 006:040
39E.020	106 KAR 001:081
39E.030	106 KAR 001:081
39E.040	106 KAR 001:091
	106 KAR 001:111
39E.050	106 KAR 001:091
	106 KAR 001:101
	106 KAR 001:111
	106 KAR 001:121
39E.080	106 KAR 001:111
39E.110	106 KAR 001:091
	106 KAR 001:111
39E.130	106 KAR 001:091
39E.140	106 KAR 001:091
	106 KAR 001:111
39E.150	106 KAR 001:091
	106 KAR 001:111
39E.160	106 KAR 001:091
39E.170	106 KAR 001:091
39E.220	106 KAR 001:091
39E.230	106 KAR 001:091
	106 KAR 001:101
41	302 KAR 003:011
41.240	902 KAR 008:170
41.600 - 41.620	200 KAR 014:201
42.019	200 KAR 003:020
42.425	200 KAR 003:020
43.070	045 KAR 001:050
43.075	045 KAR 001:050
45.237	921 KAR 002:055
	921 KAR 003:070
45.237-45-241	922 KAR 001:400
	922 KAR 001:565
45A	603 KAR 002:015
	601 KAR 002:030
49.220	802 KAR 001:010
	803 KAR 030:010
49.230	802 KAR 001:010
49.240	802 KAR 001:010
49.250	802 KAR 001:010
56.010	200 KAR 003:020
56.463	200 KAR 003:020
61.300	500 KAR 003:020
61.360	500 KAR 003:020

KRS SECTION	REGULATION
61.510	105 KAR 001:145
	105 KAR 001:147
61.522	105 KAR 001:145
	105 KAR 001:147
61.546	105 KAR 001:145
	105 KAR 001:147
61.552	105 KAR 001:145
	105 KAR 001:147
61.555	105 KAR 001:145
	105 KAR 001:147
61.565	105 KAR 001:145
	105 KAR 001:147
61.590	105 KAR 001:145
	105 KAR 001:147
61.598	105 KAR 001:145
	105 KAR 001:147
61.625	105 KAR 001:145
	105 KAR 001:147
61.637	105 KAR 001:145
	105 KAR 001:147
61.675	105 KAR 001:145
	105 KAR 001:147
61.800	106 KAR 001:091
61.805	106 KAR 001:091
61.805 - 61.850	418 KAR 001:020
	702 KAR 007:065
61.810	106 KAR 001:091
61.820	106 KAR 001:091
61.823	106 KAR 001:091
61.826	106 KAR 001:091
61.835	106 KAR 001:091
61.870	401 KAR 039:060
	922 KAR 001:495
61.870 - 61.884	202 KAR 007:575
	418 KAR 001:020
	922 KAR 001:350
	922 KAR 001:510
61.874	201 KAR 020:240
	201 KAR 022:135
61.876	922 KAR 001:470
61.878	401 KAR 042:250
	401 KAR 042:341
	603 KAR 002:015
61.884	401 KAR 039:060
61.900 - 61.930	500 KAR 002:020
61.990	500 KAR 003:020
62.010	500 KAR 003:020
62.990	500 KAR 003:020
64.810	045 KAR 001:050
68.210	045 KAR 001:050
78.510 - 78.852	105 KAR 001:145
	105 KAR 001:147
91A.080	806 KAR 002:092
	806 KAR 002:121
91A.0804	806 KAR 002:092
	806 KAR 002:121
91A.08010	806 KAR 002:092
116.048	921 KAR 003:030
116.085	031 KAR 003:010
116.155	031 KAR 003:010
117.015	031 KAR 004:120
117.025	031 KAR 003:010
117.045	031 KAR 004:100
	031 KAR 004:120
117.225	031 KAR 003:010
121.015	032 KAR 001:050
121.170	032 KAR 001:050
121.180	032 KAR 001:030
	032 KAR 001:070
131.010	103 KAR 001:040
131.030	103 KAR 001:040
131.081	103 KAR 001:040
	103 KAR 015:050
131.130	103 KAR 016:230

KRS SECTION	REGULATION
	103 KAR 016:352
	103 KAR 017:020
131.131	103 KAR 015:180
131.155	103 KAR 018:150
131.170	103 KAR 015:050
131.175	103 KAR 001:040
	103 KAR 017:121
131.180	103 KAR 001:040
	103 KAR 017:121
131.183	103 KAR 015:041
131.250	103 KAR 018:050
131.440	103 KAR 001:040
132.010	815 KAR 007:120
133.180	103 KAR 001:040
133.220	103 KAR 001:040
134.580	103 KAR 015:041
136.100	103 KAR 015:050
136.290	103 KAR 001:130
136.300	103 KAR 001:130
136.310	103 KAR 001:130
136.320	103 KAR 001:130
	103 KAR 015:180
136.330	103 KAR 015:180
136.340	103 KAR 015:180
136.350	103 KAR 015:180
136.370	103 KAR 015:180
136.390	103 KAR 015:180
136.392	806 KAR 002:100
138.510	810 KAR 007:030
	810 KAR 007:060
138.885	103 KAR 001:040
139.185	103 KAR 001:040
141.010	103 KAR 015:110
	103 KAR 015:120
	103 KAR 015:140
	103 KAR 016:011
	103 KAR 016:060
	103 KAR 016:090
	103 KAR 016:240
	103 KAR 016:352
	103 KAR 017:010
	103 KAR 017:020
	103 KAR 017:060
	103 KAR 019:010
141.011	103 KAR 016:250
141.017	103 KAR 017:060
141.019	103 KAR 001:130
	103 KAR 017:060
	103 KAR 019:010
141.020	103 KAR 015:110
	103 KAR 015:120
	103 KAR 015:140
	103 KAR 015:180
	103 KAR 017:010
	103 KAR 017:060
	103 KAR 017:100
	103 KAR 017:130
	103 KAR 019:010
141.030	103 KAR 015:110
	103 KAR 015:120
	103 KAR 015:140
	103 KAR 019:010
141.040	103 KAR 015:110
	103 KAR 015:120
	103 KAR 015:140
	103 KAR 015:180
	103 KAR 016:240
	103 KAR 016:270
	103 KAR 016:352
	103 KAR 016:381
141.042	103 KAR 015:050
	103 KAR 015:060
	103 KAR 015:061
141.044	103 KAR 015:060

KRS SECTION	REGULATION
	103 KAR 015:061
141.050	103 KAR 015:180
	103 KAR 017:020
	103 KAR 017:121
141.070	103 KAR 017:140
141.081	103 KAR 019:010
141.120	103 KAR 015:195
	103 KAR 016:060
	103 KAR 016:090
	103 KAR 016:270
	103 KAR 016:290
	103 KAR 016:330
	103 KAR 016:340
	103 KAR 016:352
	103 KAR 016:381
	103 KAR 016:151
	103 KAR 016:270
141.121	103 KAR 016:090
	103 KAR 016:290
141.160	103 KAR 015:050
	103 KAR 016:352
141.170	103 KAR 015:050
	103 KAR 016:352
141.180	103 KAR 001:040
	103 KAR 017:020
141.190	103 KAR 019:010
141.200	103 KAR 016:250
	103 KAR 016:352
141.201	103 KAR 016:250
141.202	103 KAR 016:250
141.205	103 KAR 016:230
141.206	103 KAR 016:240
	103 KAR 016:270
	103 KAR 016:352
	103 KAR 018:081
141.210	103 KAR 015:041
	103 KAR 016:352
141.215	103 KAR 017:042
141.235	103 KAR 015:041
141.300	103 KAR 015:050
	103 KAR 015:060
	103 KAR 015:061
	103 KAR 017:100
	103 KAR 017:121
141.305	103 KAR 015:060
	103 KAR 015:061
	103 KAR 017:100
	103 KAR 017:121
141.310	103 KAR 018:110
	103 KAR 018:120
141.315	103 KAR 018:081
141.330	103 KAR 018:050
	103 KAR 018:150
141.335	103 KAR 018:050
141.340	103 KAR 001:040
141.347	103 KAR 018:180
	103 KAR 018:191
141.370	103 KAR 018:110
141.400	103 KAR 018:180
	103 KAR 018:191
141.401	103 KAR 018:180
	103 KAR 018:191
141.402	103 KAR 018:180
141.403	103 KAR 018:180
141.407	103 KAR 018:180
	103 KAR 018:191
141.415	103 KAR 018:180
141.422	103 KAR 015:110
	103 KAR 015:120
	103 KAR 015:140
141.423	103 KAR 015:140
141.424	103 KAR 015:140
141.432	103 KAR 015:180
141.433	103 KAR 015:180

KRS SECTION	REGULATION
141.434	103 KAR 015:180
141.438	103 KAR 015:195
141.900	103 KAR 001:130
141.901	103 KAR 016:330
141.990	103 KAR 001:040
	103 KAR 015:060
	103 KAR 015:061
	103 KAR 016:352
	103 KAR 017:042
	103 KAR 017:121
141.0401	103 KAR 015:110
	103 KAR 015:120
	103 KAR 015:140
	103 KAR 015:180
141.4242	103 KAR 015:110
	103 KAR 015:120
141.4246	103 KAR 015:110
	103 KAR 015:120
141.4248	103 KAR 015:110
	103 KAR 015:120
141.900	103 KAR 016:381
142.357	103 KAR 001:040
142.363	907 KAR 001:025
143.085	103 KAR 001:040
146.200 - 146.360	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:100
146.220	400 KAR 004:110
	400 KAR 004:125
	400 KAR 004:130
	400 KAR 004:140
146.241	400 KAR 004:110
146.250	400 KAR 004:110
146.260	400 KAR 004:110
146.270	400 KAR 004:110
	400 KAR 004:125
	400 KAR 004:130
	400 KAR 004:140
146.280	400 KAR 004:140
146.290	400 KAR 004:110
	400 KAR 004:125
	400 KAR 004:130
	400 KAR 004:140
146.310	400 KAR 004:110
	400 KAR 004:125
146.350	400 KAR 004:110
	400 KAR 004:125
	400 KAR 004:140
146.360	400 KAR 004:110
146.410	400 KAR 002:070
	400 KAR 002:080
	400 KAR 002:090
146.420	400 KAR 002:080
146.430	400 KAR 002:070
146.440	400 KAR 002:080
	400 KAR 002:090
146.450	400 KAR 001:001
	400 KAR 001:090
146.460	400 KAR 002:060
146.465	400 KAR 002:100
146.470	400 KAR 002:080
146.480	400 KAR 002:100
146.485	400 KAR 003:010
	400 KAR 003:020
	400 KAR 003:030
	400 KAR 003:040
146.490	400 KAR 002:060
	400 KAR 002:080
146.495	400 KAR 002:100
146.505	400 KAR 002:080
146.530	400 KAR 001:001
	400 KAR 001:090
146.550-146.570	418 KAR 001:010

KRS SECTION	REGULATION
	418 KAR 001:020
	418 KAR 001:040
	418 KAR 001:050
	418 KAR 001:060
	418 KAR 001:070
146.610	400 KAR 003:010
	400 KAR 003:020
	400 KAR 003:030
	400 KAR 003:040
146.990	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:100
	400 KAR 004:130
	400 KAR 004:140
147A.310	103 KAR 015:195
149.344	400 KAR 001:001
	400 KAR 001:090
	400 KAR 001:100
149.346	400 KAR 001:001
	400 KAR 001:090
	400 KAR 001:100
149.348	400 KAR 001:001
	400 KAR 001:090
	400 KAR 001:100
150.010	301 KAR 001:152
	301 KAR 001:155
	301 KAR 001:201
	301 KAR 001:410
	301 KAR 002:132
	301 KAR 002:172
	301 KAR 002:178
	301 KAR 002:221
	301 KAR 002:222
	301 KAR 002:300
	301 KAR 004:090
150.025	301 KAR 002:221
	301 KAR 003:022
150.120	301 KAR 001:155
150.090	301 KAR 001:015
150.092	301 KAR 002:300
150.170	301 KAR 001:152
	301 KAR 001:155
	301 KAR 001:201
	301 KAR 001:410
	301 KAR 002:030
	301 KAR 002:132
	301 KAR 002:178
	301 KAR 002:300
	301 KAR 003:100
150.175	301 KAR 001:132
	301 KAR 001:152
	301 KAR 001:201
	301 KAR 001:410
	301 KAR 002:300
	301 KAR 003:100
	301 KAR 004:090
150.177	301 KAR 002:172
150.180	301 KAR 001:132
	301 KAR 002:095
	301 KAR 002:132
	301 KAR 002:172
	301 KAR 003:022
	301 KAR 004:090
150.183	301 KAR 003:022
	301 KAR 004:090
150.230	301 KAR 003:091
150.235	301 KAR 001:410
150.240	301 KAR 003:022
150.250	301 KAR 003:091
150.275	301 KAR 003:022
150.280	301 KAR 001:132
	301 KAR 002:095
	301 KAR 003:022

KRS SECTION	REGULATION
150.290	301 KAR 001:115
	301 KAR 002:095
	301 KAR 003:022
150.305	301 KAR 002:221
	301 KAR 002:222
	301 KAR 004:090
150.330	301 KAR 002:221
	301 KAR 002:222
	301 KAR 002:225
	301 KAR 004:090
150.340	301 KAR 001:201
	301 KAR 002:178
	301 KAR 002:221
	301 KAR 002:222
	301 KAR 002:225
150.370	301 KAR 002:178
	301 KAR 004:090
150.411	301 KAR 002:172
	301 KAR 004:090
150.412	301 KAR 002:030
150.445	301 KAR 001:152
	301 KAR 001:155
	301 KAR 001:410
150.450	301 KAR 001:132
	301 KAR 001:152
	301 KAR 001:155
	301 KAR 003:022
150.485	301 KAR 001:115
	301 KAR 001:132
	301 KAR 003:022
150.520	301 KAR 003:022
150.525	301 KAR 003:022
150.600	301 KAR 003:022
150.603	301 KAR 002:225
	301 KAR 003:022
150.605	301 KAR 003:091
150.620	301 KAR 001:201
	301 KAR 001:410
150.625	301 KAR 001:015
150.660	301 KAR 003:022
150.720	301 KAR 003:022
150.990	301 KAR 001:015
	301 KAR 001:152
	301 KAR 001:155
	301 KAR 001:201
	301 KAR 001:410
	301 KAR 002:132
	301 KAR 002:172
	301 KAR 002:178
	301 KAR 002:221
	301 KAR 002:222
	301 KAR 002:300
	301 KAR 004:090
151.125	400 KAR 001:001
	400 KAR 001:090
151.140	400 KAR 003:140
151.182	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:100
151.184	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:100
151.297	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:100
151.990	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:100
154.22-010	103 KAR 018:180
	103 KAR 018:191

KRS SECTION	REGULATION
154.22-070	103 KAR 018:180
	103 KAR 018:191
154.23-010	103 KAR 018:180
	103 KAR 018:191
154.23-055	103 KAR 018:180
	103 KAR 018:191
154.24-010	103 KAR 018:180
	103 KAR 018:191
154.24-110	103 KAR 018:180
	103 KAR 018:191
154.25-010	103 KAR 018:180
154.25-040	103 KAR 018:180
154.26-010	103 KAR 018:180
154.26-100	103 KAR 018:180
154.28-010	103 KAR 018:180
	103 KAR 018:191
154.28-110	103 KAR 018:180
	103 KAR 018:191
154.32-010	103 KAR 018:180
154.32-090	103 KAR 018:180
154A.020	202 KAR 003:040
154A.030	202 KAR 003:040
154A.050	202 KAR 003:040
154A.060	202 KAR 003:010
	202 KAR 003:040
156.010	704 KAR 003:292
	704 KAR 003:365
156.031	704 KAR 007:081
156.035	704 KAR 003:292
	704 KAR 003:365
156.070	701 KAR 005:150
	702 KAR 007:065
	704 KAR 003:292
	704 KAR 003:303
	704 KAR 003:306
	704 KAR 008:010
	704 KAR 008:020
	704 KAR 008:030
	704 KAR 008:040
	704 KAR 008:050
	704 KAR 008:060
156.108	701 KAR 005:140
156.160	013 KAR 002:020
	701 KAR 005:140
	702 KAR 001:160
	704 KAR 003:303
	704 KAR 003:305
	704 KAR 003:306
	704 KAR 008:010
	704 KAR 008:020
	704 KAR 008:030
	704 KAR 008:040
	704 KAR 008:050
	704 KAR 008:060
156.162	704 KAR 003:306
156.496	922 KAR 001:565
156.501	702 KAR 001:160
156.502	702 KAR 001:160
156.850	704 KAR 008:010
157.605	704 KAR 007:081
157.606	704 KAR 007:081
157.3175	704 KAR 003:015
158.035	702 KAR 001:160
158.135	505 KAR 001:080
	922 KAR 001:310
	922 KAR 001:495
158.137	505 KAR 001:080
158.142	704 KAR 003:305
158.160	702 KAR 001:160
158.197	704 KAR 003:306
158.645	703 KAR 005:270
	704 KAR 003:305
	704 KAR 008:010
158.6451	013 KAR 002:020

KRS SECTION	REGULATION
	703 KAR 005:211
	703 KAR 005:270
	704 KAR 003:303
	704 KAR 003:305
	704 KAR 003:306
	704 KAR 008:010
	704 KAR 008:020
	704 KAR 008:030
	704 KAR 008:040
	704 KAR 008:050
	704 KAR 008:060
158.6453	013 KAR 002:020
	703 KAR 005:211
	703 KAR 005:270
	704 KAR 003:303
	704 KAR 008:020
	704 KAR 008:030
	704 KAR 008:040
	704 KAR 008:050
	704 KAR 008:060
158.6455	703 KAR 005:211
	703 KAR 005:270
158.838	702 KAR 001:160
158.860	703 KAR 005:211
160.107	701 KAR 005:140
160.151	922 KAR 001:470
160.290	704 KAR 003:303
	704 KAR 003:306
	704 KAR 008:010
	704 KAR 008:020
	704 KAR 008:030
	704 KAR 008:040
	704 KAR 008:050
	704 KAR 008:060
160.380	702 KAR 007:065
	922 KAR 001:470
160.445	702 KAR 007:065
160.380	016 KAR 002:100
	016 KAR 009:040
161.010	016 KAR 002:100
161.020	016 KAR 002:100
	016 KAR 002:210
	016 KAR 003:090
	016 KAR 008:030
	016 KAR 009:040
161.027	016 KAR 003:090
161.028	016 KAR 003:090
	016 KAR 008:030
161.128	016 KAR 002:100
	016 KAR 002:210
	016 KAR 009:040
161.030	016 KAR 002:100
	016 KAR 002:210
	016 KAR 003:090
	016 KAR 008:030
	016 KAR 009:040
161.046	016 KAR 009:040
161.048	016 KAR 009:040
161.120	016 KAR 009:040
161.145	702 KAR 001:160
161.220	102 KAR 001:320
161.470	102 KAR 001:060
161.520	102 KAR 001:060
	102 KAR 001:168
161.655	102 KAR 001:163
161.700	102 KAR 001:060
	102 KAR 001:320
161.716	102 KAR 001:320
161.1211	016 KAR 008:030
164.001	013 KAR 002:020
164.020	013 KAR 002:020
164.030	013 KAR 002:020
164.2847	922 KAR 001:500
164.518	011 KAR 004:080

KRS SECTION	REGULATION
164.744	011 KAR 004:080
	011 KAR 005:145
164.748	011 KAR 004:080
164.753	011 KAR 004:080
	011 KAR 005:145
164.769	011 KAR 004:080
164.772	201 KAR 022:020
	201 KAR 022:040
	201 KAR 041:060
	301 KAR 002:030
	815 KAR 035:060
164.780	011 KAR 004:080
164.785	011 KAR 004:080
164.6901 - 164.6935	200 KAR 030:011
	830 KAR 002:001
164.6907	830 KAR 002:010
164.6909	830 KAR 002:010
164.6911	830 KAR 002:010
164.6913 - 164.6933	830 KAR 002:020
164.6915	830 KAR 002:010
164.7535	011 KAR 004:080
	011 KAR 005:145
164.7871 - 164.7885	011 KAR 015:010
	011 KAR 015:110
164.7889	011 KAR 005:145
164.7890	011 KAR 004:080
164.7894	011 KAR 004:080
165A	815 KAR 006:040
176.090-176.110	603 KAR 002:015
176.130-176-220	603 KAR 002:015
186.010	601 KAR 002:030
186.401	500 KAR 015:010
186.440	601 KAR 002:030
186.442	601 KAR 002:030
186.450	500 KAR 015:010
186.480	601 KAR 002:030
186.531	500 KAR 015:010
	601 KAR 002:030
186.535	500 KAR 015:010
186.560	601 KAR 002:030
186.570	601 KAR 002:030
186.655	603 KAR 005:070
189.125	922 KAR 001:310
189.222	603 KAR 005:070
189.910 - 189.950	202 KAR 007:560
189A.005	601 KAR 002:030
189A.010	601 KAR 002:030
189A.040	601 KAR 002:030
189A.070	601 KAR 002:030
189A.085	601 KAR 002:030
189A.090	601 KAR 002:030
189A.103	601 KAR 002:030
189A.105	601 KAR 002:030
189A.107	601 KAR 002:030
189A.200	601 KAR 002:030
189A.240	601 KAR 002:030
189A.250	601 KAR 002:030
189A.340	601 KAR 002:030
189A.345	601 KAR 002:030
189A.400	601 KAR 002:030
189A.410	601 KAR 002:030
189A.420	601 KAR 002:030
189A.440	601 KAR 002:030
189A.500	601 KAR 002:030
194A	921 KAR 002:015
194A.005	902 KAR 100:022
	902 KAR 100:070
	902 KAR 100:142
	922 KAR 001:140
	922 KAR 001:350
	922 KAR 001:400
	922 KAR 001:495
	922 KAR 001:565
194A.025	907 KAR 001:563

KRS SECTION	REGULATION
194A.030	900 KAR 009:010
	911 KAR 001:020
	911 KAR 001:071
194A.050	900 KAR 010:021
	902 KAR 007:010
	902 KAR 019:010
	902 KAR 045:065
	902 KAR 045:070
	902 KAR 045:120
	902 KAR 050:101
	902 KAR 050:110
	922 KAR 001:350
	922 KAR 001:400
	922 KAR 001:470
	922 KAR 001:495
	922 KAR 001:510
	922 KAR 001:565
194A.060	907 KAR 003:170
	910 KAR 001:240
	922 KAR 001:100
	922 KAR 001:310
	922 KAR 001:350
	922 KAR 001:560
	922 KAR 002:160
194A.125	907 KAR 003:170
194A.380 - 194A.383	922 KAR 001:470
194A.700	902 KAR 020:036
194A.700-729	501 KAR 006:020
	910 KAR 001:240
197	501 KAR 006:020
198B.010	815 KAR 007:070
	815 KAR 007:120
	815 KAR 007:125
198B.040	815 KAR 007:070
	815 KAR 007:120
	815 KAR 007:125
198B.050	815 KAR 007:070
	815 KAR 007:120
	815 KAR 007:125
	815 KAR 035:020
198B.060	815 KAR 007:070
	815 KAR 007:120
	815 KAR 007:125
	815 KAR 035:015
198B.080	815 KAR 007:120
	815 KAR 007:125
198B.090	815 KAR 002:010
	815 KAR 002:020
	815 KAR 007:070
	815 KAR 035:015
198B.095	815 KAR 002:010
	815 KAR 002:020
	815 KAR 007:070
198B.260	815 KAR 007:120
	815 KAR 007:125
	902 KAR 020:260
	908 KAR 001:374
198B.4003	815 KAR 004:030
198B.4009	815 KAR 002:010
	815 KAR 002:020
	815 KAR 004:030
	815 KAR 004:071
198B.4011	815 KAR 002:010
	815 KAR 004:030
198B.4013	815 KAR 002:010
	815 KAR 004:030
198B.4023	815 KAR 002:010
	815 KAR 002:020
	815 KAR 004:030
198B.4025	815 KAR 002:010
	815 KAR 002:020
	815 KAR 004:030
198B.4027	815 KAR 004:030
198B.4033	815 KAR 004:030

KRS SECTION	REGULATION
198B.4037	815 KAR 002:040
198B.615	815 KAR 002:040
198B.6405	815 KAR 002:010
198B.6409	815 KAR 002:010
	815 KAR 002:020
	815 KAR 022:011
	815 KAR 025:081
198B.645	815 KAR 002:010
198B.650	815 KAR 008:010
198B.654	815 KAR 002:010
	815 KAR 002:020
	815 KAR 008:010
	815 KAR 008:091
198B.656	815 KAR 008:010
	815 KAR 008:030
198B.658	815 KAR 002:010
	815 KAR 008:010
	815 KAR 008:030
	815 KAR 008:091
198B.659	815 KAR 008:010
198B.6504	815 KAR 002:020
198B.660	815 KAR 002:010
	815 KAR 008:010
	815 KAR 008:030
198B.662	815 KAR 008:030
198B.664	815 KAR 002:010
	815 KAR 002:020
	815 KAR 008:010
	815 KAR 008:030
198B.668	815 KAR 008:010
198B.670	815 KAR 002:030
198B.672	815 KAR 002:010
	815 KAR 008:010
198B.676	815 KAR 002:040
	815 KAR 008:010
198B.684	815 KAR 002:020
198B.700	815 KAR 006:001
	815 KAR 006:010
198B.706	815 KAR 006:001
	815 KAR 006:010
	815 KAR 006:030
	815 KAR 006:040
	815 KAR 006:101
198B.712	815 KAR 006:010
	815 KAR 006:030
	815 KAR 006:040
198B.714	815 KAR 006:010
198B.716	815 KAR 006:010
198B.722	815 KAR 006:010
	815 KAR 006:030
	815 KAR 006:040
198B.724	815 KAR 006:010
	815 KAR 006:040
198B.728	815 KAR 006:030
198B.730	815 KAR 006:030
198B.738	815 KAR 006:010
198B.990	815 KAR 007:120
	815 KAR 007:125
199.011	922 KAR 001:010
	922 KAR 001:100
	922 KAR 001:140
	922 KAR 001:305
	922 KAR 001:310
	922 KAR 001:350
	922 KAR 001:360
	922 KAR 001:400
	922 KAR 001:495
	922 KAR 001:530
	922 KAR 001:560
	922 KAR 001:565
199.430	922 KAR 001:100
	922 KAR 001:310
199.462	922 KAR 001:140
	922 KAR 001:565

KRS SECTION	REGULATION
199.464	922 KAR 001:495
199.466	922 KAR 001:470
199.467	922 KAR 001:140
199.470	922 KAR 001:010
	922 KAR 001:310
199.470-199.590	922 KAR 001:565
199.472	922 KAR 001:350
	922 KAR 001:495
199.473	922 KAR 001:010
199.474	922 KAR 001:010
199.480	922 KAR 001:010
	922 KAR 001:560
199.490	922 KAR 001:010
199.492	922 KAR 001:010
	922 KAR 001:310
199.493	922 KAR 001:010
	922 KAR 001:310
199.500	922 KAR 001:010
	922 KAR 001:060
199.502	922 KAR 001:060
199.505	922 KAR 001:560
199.510	922 KAR 001:010
	922 KAR 001:310
199.520	922 KAR 001:010
	922 KAR 001:100
	922 KAR 001:310
199.525	922 KAR 001:100
199.540	922 KAR 001:010
199.555	101 KAR 003:045
	922 KAR 001:050
	922 KAR 001:060
	922 KAR 001:140
199.557	922 KAR 001:060
	922 KAR 001:140
199.570	922 KAR 001:010
	922 KAR 001:100
	922 KAR 001:310
199.572	922 KAR 001:010
	922 KAR 001:100
	922 KAR 001:310
199.575	922 KAR 001:100
199.590	922 KAR 001:010
	922 KAR 001:310
199.640	922 KAR 001:305
	922 KAR 001:310
	922 KAR 001:495
199.645	922 KAR 001:310
199.670	922 KAR 001:305
199.640 - 199.680	922 KAR 001:360
199.650 - 199.670	922 KAR 001:310
199.801	922 KAR 001:360
	922 KAR 001:140
199.892	921 KAR 002:055
	922 KAR 002:160
199.894	922 KAR 002:160
199.8943	704 KAR 003:015
199.896	922 KAR 001:470
	922 KAR 002:160
199.898	922 KAR 002:160
199.8982	922 KAR 001:470
	922 KAR 002:160
199.899	922 KAR 002:160
199.8994	922 KAR 002:160
199.990	922 KAR 001:010
199.640	922 KAR 001:305
	922 KAR 001:560
200.080 - 200.120	505 KAR 001:100
	505 KAR 001:110
	505 KAR 001:180
	505 KAR 001:190
200.460	911 KAR 001:010
	911 KAR 001:060
200.470	911 KAR 001:010
	911 KAR 001:020

KRS SECTION	REGULATION
200.575	922 KAR 001:411
200.654	911 KAR 001:010
202A	910 KAR 002:040
202A.011	902 KAR 020:036
	921 KAR 002:015
	922 KAR 001:350
202B	910 KAR 002:040
202B.010	922 KAR 001:100
205.175	907 KAR 001:075
205.200	922 KAR 001:400
205.211	921 KAR 002:055
	922 KAR 001:565
205.231	907 KAR 001:075
	907 KAR 001:560
	907 KAR 001:563
	921 KAR 002:055
	921 KAR 003:060
	921 KAR 003:070
205.237	907 KAR 001:075
	907 KAR 001:560
	907 KAR 001:563
	921 KAR 002:055
205.245	921 KAR 002:015
205.455	910 KAR 001:090
205.510	907 KAR 003:170
205.520	895 KAR 001:001
	895 KAR 001:010
	895 KAR 001:015
	895 KAR 001:020
	895 KAR 001:025
	895 KAR 001:030
	895 KAR 001:035
	895 KAR 001:040
	895 KAR 001:045
	895 KAR 001:050
	895 KAR 001:055
	907 KAR 001:005
	907 KAR 001:121
	907 KAR 001:270
	907 KAR 001:280
	907 KAR 001:330
	907 KAR 001:360
	907 KAR 001:441
	907 KAR 001:560
	907 KAR 001:563
	907 KAR 008:040
205.531	907 KAR 001:560
205.558	907 KAR 001:755
205.559	907 KAR 003:170
205.560	902 KAR 004:035
	907 KAR 001:121
	907 KAR 001:270
	907 KAR 001:280
	907 KAR 001:360
	907 KAR 001:604
	907 KAR 003:170
205.565	907 KAR 010:820
205.622	895 KAR 001:035
	907 KAR 008:040
205.637	907 KAR 010:820
205.639	907 KAR 010:820
	922 KAR 001:050
205.640	907 KAR 010:820
205.641	907 KAR 010:820
205.703	922 KAR 001:400
205.705	921 KAR 001:380
205.712	601 KAR 002:030
205.710 - 205.800	921 KAR 001:380
205.900 - 205.925	910 KAR 001:090
205.992	921 KAR 001:380
205.2005	921 KAR 003:025
205.6312	907 KAR 001:604
205.6328	900 KAR 001:091
205.6485	907 KAR 001:604

KRS SECTION	REGULATION
205.8451	895 KAR 001:001
	907 KAR 001:563
	907 KAR 001:604
209A.020	922 KAR 001:400
209.020	910 KAR 002:020
	921 KAR 002:015
	922 KAR 001:400
209.030	902 KAR 020:036
	902 KAR 020:300
	908 KAR 001:370
	910 KAR 001:240
209.032	902 KAR 020:036
	902 KAR 020:300
209.130	922 KAR 001:400
209.990	910 KAR 002:040
210.270	907 KAR 001:075
	907 KAR 001:563
210.290	910 KAR 002:020
	910 KAR 002:040
210.366	201 KAR 026:175
211.005	902 KAR 045:065
	902 KAR 045:070
211.015	902 KAR 045:065
	902 KAR 045:070
211.025	902 KAR 010:051
	902 KAR 045:065
	902 KAR 045:070
211.090	902 KAR 010:051
	902 KAR 047:071
211.180	902 KAR 004:030
	902 KAR 008:165
	902 KAR 008:170
	902 KAR 010:051
	902 KAR 019:010
	902 KAR 045:120
	902 KAR 047:071
	902 KAR 100:022
	902 KAR 100:070
	902 KAR 100:100
	902 KAR 100:142
211.345	902 KAR 045:120
211.350	815 KAR 035:015
	815 KAR 035:020
211.461	907 KAR 001:560
211.466	907 KAR 001:560
211.651	902 KAR 019:010
211.655	902 KAR 019:010
211.660	902 KAR 019:010
211.670	902 KAR 019:010
211.684	922 KAR 001:470
211.760	902 KAR 045:065
211.842 - 211.852	902 KAR 020:275
	902 KAR 100:018
	902 KAR 100:022
	902 KAR 100:052
	902 KAR 100:070
	902 KAR 100:072
	902 KAR 100:100
	902 KAR 100:142
211.920	902 KAR 009:010
211.925	902 KAR 009:010
211.935	902 KAR 009:010
211.990	902 KAR 100:018
	902 KAR 100:022
	902 KAR 100:052
	902 KAR 100:070
	902 KAR 100:072
	902 KAR 100:100
	902 KAR 100:142
212.025	902 KAR 008:170
212.120	902 KAR 008:170
212.230	902 KAR 008:165
212.240	902 KAR 008:165
212.245	902 KAR 008:165

KRS SECTION	REGULATION
	902 KAR 008:170
212.890	902 KAR 008:165
	902 KAR 008:170
213.046	921 KAR 001:380
213.141	902 KAR 004:035
214.034	702 KAR 001:160
214.036	702 KAR 001:160
	922 KAR 002:160
214.155	902 KAR 004:030
214.181	908 KAR 001:370
214.625	908 KAR 001:370
216.300	910 KAR 001:240
216.380	907 KAR 010:820
216.510 - 216.525	900 KAR 002:040
	902 KAR 020:036
	902 KAR 020:300
216.530	902 KAR 020:008
	921 KAR 002:015
216.532	902 KAR 020:036
	902 KAR 020:300
216.535	902 KAR 020:300
216.537 - 216.590	900 KAR 002:021
216.540	902 KAR 020:300
216.543	902 KAR 020:300
216.545	902 KAR 020:300
216.547	902 KAR 020:300
216.555 - 216.567	900 KAR 002:040
216.557	921 KAR 002:015
216.577	900 KAR 002:040
216.595	910 KAR 001:240
216.750	921 KAR 002:015
216.765	902 KAR 020:036
	921 KAR 002:015
216.785 - 216.793	902 KAR 020:036
	902 KAR 020:300
216.789	910 KAR 001:240
216.793	910 KAR 001:240
216.860	906 KAR 001:071
216.865	906 KAR 001:071
216.900 - 216.915	906 KAR 001:071
216.930	906 KAR 001:071
216.2920	900 KAR 007:030
216.2925	900 KAR 007:030
	902 KAR 020:008
216.2927	900 KAR 007:030
216A.010	900 KAR 002:040
216A.070	201 KAR 006:030
216A.080	201 KAR 006:040
	902 KAR 020:036
216A.090	201 KAR 006:040
216B	902 KAR 019:010
	921 KAR 002:015
216B.010	900 KAR 006:075
	902 KAR 020:008
216B.010 - 216B.130	900 KAR 005:020
	902 KAR 020:036
216B.010 - 216B.131	902 KAR 020:260
216B.010 - 216B.170	902 KAR 020:275
216B.015	900 KAR 006:075
	902 KAR 020:008
	902 KAR 020:111
216B.020	902 KAR 020:008
	902 KAR 020:076
	902 KAR 020:251
	908 KAR 001:370
216B.040	900 KAR 006:020
	902 KAR 020:008
216B.042	902 KAR 020:008
216B.045 - 216B.055	902 KAR 020:008
216B.075	902 KAR 020:008
216B.090	900 KAR 006:075
216B.105 - 216B.131	902 KAR 020:008
216B.176	902 KAR 020:401
216B.177	902 KAR 020:401

KRS SECTION	REGULATION
216B.185	902 KAR 020:008
216B.400	201 KAR 020:411
216B.450	922 KAR 001:050
216B.455	900 KAR 006:075
216B.990	900 KAR 006:075
	902 KAR 020:008
	902 KAR 020:036
	902 KAR 020:260
	902 KAR 020:275
216C.010	900 KAR 011:010
216C.030	900 KAR 011:010
216C.040	900 KAR 011:010
216C.050	900 KAR 011:010
216C.060	900 KAR 011:010
216C.070	900 KAR 011:010
216C.080	900 KAR 011:010
216C.090	900 KAR 011:010
216C.100	900 KAR 011:010
216C.110	900 KAR 011:010
216C.120	900 KAR 011:010
216C.160	900 KAR 011:010
216C.170	900 KAR 011:010
216C.180	900 KAR 011:010
216C.200	900 KAR 011:010
216C.210	900 KAR 011:010
216C.220	900 KAR 011:010
216C.230	900 KAR 011:010
217.005	902 KAR 045:007
217.005 - 217.205	902 KAR 045:005
	902 KAR 045:160
217.005 - 217.215	902 KAR 045:090
217.015	201 KAR 002:225
	301 KAR 001:155
	902 KAR 009:010
	902 KAR 045:110
217.025	902 KAR 045:110
217.035	902 KAR 045:110
217.037	902 KAR 045:110
217.085	902 KAR 045:110
217.095	902 KAR 045:110
217.125	902 KAR 045:110
217.127	902 KAR 045:007
217.155	902 KAR 045:110
217.215	201 KAR 002:165
217.280 - 217.390	902 KAR 045:005
217.290	902 KAR 045:090
217.290 - 217.390	902 KAR 045:160
217.801	902 KAR 047:071
217.811	902 KAR 045:110
217.819	201 KAR 002:116
217.920-928	902 KAR 045:075
217.990 - 217.992	902 KAR 045:005
	902 KAR 045:160
217.992	902 KAR 045:090
217B	302 KAR 027:010
	302 KAR 027:020
	302 KAR 027:031
	302 KAR 027:040
	302 KAR 027:050
	302 KAR 028:010
	302 KAR 028:020
	302 KAR 028:030
	302 KAR 028:040
	302 KAR 028:050
	302 KAR 029:020
217B.120	302 KAR 027:060
	302 KAR 028:060
217B.500 - 217B.900	902 KAR 045:090
217C.010 - 217.C.990	902 KAR 050:110
217C.040	902 KAR 050:101
218A.205	201 KAR 020:056
	201 KAR 020:161
	201 KAR 020:215
218A.160	902 KAR 055:011

KRS SECTION	REGULATION
218A.172	201 KAR 009:260
	201 KAR 020:057
	201 KAR 025:090
218A.175	902 KAR 020:260
218A.180	908 KAR 001:341
	908 KAR 001:374
218A.202	201 KAR 025:090
	908 KAR 001:374
218A.205	201 KAR 009:260
	201 KAR 020:057
	201 KAR 025:090
	902 KAR 020:260
218A.420	500 KAR 009:011
218A.435	500 KAR 009:011
219.011 - 219.041	902 KAR 007:010
219.310 - 219.410	815 KAR 025:040
	902 KAR 015:010
219.340	902 KAR 045:120
219.350	902 KAR 045:120
219.991	902 KAR 007:010
	902 KAR 015:010
	902 KAR 045:120
222	908 KAR 001:341
222.003	908 KAR 001:370
222.005	908 KAR 001:370
222.231	908 KAR 001:370
	908 KAR 001:372
	908 KAR 001:374
222.271	908 KAR 001:370
222.441	908 KAR 001:370
222.462	908 KAR 001:370
	908 KAR 001:374
222.990	908 KAR 001:370
223	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:100
223.160 - 223.220	401 KAR 011:001
	401 KAR 011:040
	401 KAR 011:050
	401 KAR 011:060
223.180	401 KAR 008:030
223.190	401 KAR 008:030
223.200	401 KAR 008:030
223.210	401 KAR 008:030
223.220	401 KAR 008:030
	401 KAR 008:050
224	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:100
224.01-010	401 KAR 011:001
224.01-110	400 KAR 004:125
224.1	401 KAR 042:005
	401 KAR 042:020
	401 KAR 042:060
	401 KAR 042:341
224.1-010	401 KAR 005:002
224.1-070	401 KAR 005:002
224.1-400	401 KAR 005:002
	401 KAR 039:060
	401 KAR 042:060
	401 KAR 042:250
224.1-405	401 KAR 042:250
224.10	401 KAR 039:060
	401 KAR 039:080
	401 KAR 039:090
	401 KAR 040:051
	401 KAR 042:005
	401 KAR 042:020
	401 KAR 042:060
	401 KAR 042:341
224.10-100	401 KAR 005:010
	401 KAR 008:050

KRS SECTION	REGULATION
	401 KAR 011:040
	401 KAR 052:050
	401 KAR 052:070
224.10-110	401 KAR 005:010
	401 KAR 008:030
	401 KAR 008:050
	401 KAR 011:040
	401 KAR 011:060
224.10-240	400 KAR 004:125
224.10-410	400 KAR 001:110
	401 KAR 042:250
224.10-420	401 KAR 011:050
	401 KAR 042:250
224.10-430	401 KAR 042:250
224.10-440	401 KAR 042:250
	400 KAR 004:125
224.10-470	401 KAR 042:250
	400 KAR 004:125
224.20-100	401 KAR 052:050
	401 KAR 052:070
224.20-110	401 KAR 052:050
	401 KAR 052:070
224.20-120	401 KAR 052:050
	401 KAR 052:070
224.40	401 KAR 042:060
	401 KAR 042:341
224.40-310	401 KAR 039:060
224.43	401 KAR 042:060
	401 KAR 042:341
224.46	401 KAR 039:060
	401 KAR 039:080
	401 KAR 039:090
	401 KAR 040:051
	401 KAR 042:060
	401 KAR 042:341
224.50-130	401 KAR 039:090
224.60	401 KAR 042:005
	401 KAR 042:020
	401 KAR 042:060
	401 KAR 042:341
224.60-105	401 KAR 042:330
224.60-110	401 KAR 042:250
224.60-120	401 KAR 042:250
224.60-130	401 KAR 042:250
	401 KAR 042:330
224.60-135	401 KAR 042:250
224.60-140	401 KAR 042:250
	401 KAR 042:330
224.60-150	401 KAR 042:250
	401 KAR 042:330
224.70-100	401 KAR 005:002
	401 KAR 005:010
224.70-110	401 KAR 005:010
224.70-120	401 KAR 005:002
224.73-110	401 KAR 011:001
	401 KAR 011:030
	401 KAR 011:050
	401 KAR 011:060
224.99	401 KAR 039:060
	401 KAR 039:080
	401 KAR 039:090
	401 KAR 040:051
224.99-010	401 KAR 005:002
	401 KAR 040:051
224.99-020	401 KAR 040:051
224.99-030	401 KAR 040:051
227.300	815 KAR 007:120
227.450	815 KAR 035:015
227.460	815 KAR 035:020
227.480	815 KAR 035:015
	815 KAR 035:020
227.487	815 KAR 035:020
227.489	815 KAR 035:015
227.491	815 KAR 035:015

KRS SECTION	REGULATION
	815 KAR 035:020
227.492	815 KAR 035:015
227.495	815 KAR 035:015
227.550	815 KAR 007:120
	815 KAR 025:050
	815 KAR 025:060
	815 KAR 025:090
	815 KAR 025:100
227.550 - 227.660	815 KAR 025:020
227.550 - 227.665	815 KAR 025:001
227.555	815 KAR 025:050
227.560	815 KAR 025:060
227.570	815 KAR 002:010
	815 KAR 002:020
	815 KAR 025:050
	815 KAR 025:060
	815 KAR 025:090
	902 KAR 015:010
227.580	815 KAR 025:050
	815 KAR 025:060
227.590	815 KAR 002:010
	815 KAR 002:020
	815 KAR 025:040
	815 KAR 025:050
	815 KAR 025:060
	815 KAR 025:090
227.600	815 KAR 025:050
	815 KAR 025:060
227.610	815 KAR 025:060
227.620	815 KAR 025:060
227.630	815 KAR 025:060
227.640	815 KAR 025:100
227.660	815 KAR 025:090
227.990	815 KAR 025:050
	815 KAR 025:060
	815 KAR 025:090
227.992	815 KAR 025:050
227A.010	815 KAR 035:060
227A.020	815 KAR 002:030
227A.040	815 KAR 002:010
	815 KAR 002:020
	815 KAR 035:080
	815 KAR 035:090
	815 KAR 035:101
227A.060	815 KAR 035:060
	815 KAR 035:080
	815 KAR 035:090
227A.100	815 KAR 002:010
	815 KAR 002:020
	815 KAR 035:060
227A.110	815 KAR 035:080
229.011	201 KAR 027:005
229.025	201 KAR 027:008
229.031	201 KAR 027:005
	201 KAR 027:011
	201 KAR 027:016
	201 KAR 027:020
229.035	201 KAR 027:008
229.055	201 KAR 027:011
229.065	201 KAR 027:008
229.111	201 KAR 027:005
	201 KAR 027:011
	201 KAR 027:016
229.131	201 KAR 027:005
	201 KAR 027:011
	201 KAR 027:016
229.155	201 KAR 027:005
	201 KAR 027:011
229.171	201 KAR 027:005
	201 KAR 027:008
	201 KAR 027:011
	201 KAR 027:016
	201 KAR 027:020
	201 KAR 027:022

KRS SECTION	REGULATION
230.210	810 KAR 006:020
	810 KAR 008:050
230.215	810 KAR 002:001
	810 KAR 002:020
	810 KAR 002:030
	810 KAR 002:040
	810 KAR 002:050
	810 KAR 002:060
	810 KAR 002:070
	810 KAR 002:080
	810 KAR 003:010
	810 KAR 003:020
	810 KAR 004:010
	810 KAR 004:020
	810 KAR 004:030
	810 KAR 004:040
	810 KAR 004:050
	810 KAR 004:060
	810 KAR 004:070
	810 KAR 004:080
	810 KAR 004:090
	810 KAR 004:100
	810 KAR 005:010
	810 KAR 005:020
	810 KAR 005:030
	810 KAR 004:040
	810 KAR 005:050
	810 KAR 005:060
	810 KAR 005:070
	810 KAR 005:080
	810 KAR 006:020
	810 KAR 007:020
	810 KAR 007:030
	810 KAR 007:040
	810 KAR 007:060
	810 KAR 007:070
	810 KAR 008:010
	810 KAR 008:020
	810 KAR 008:030
	810 KAR 008:040
	810 KAR 008:050
	810 KAR 008:060
	810 KAR 009:010
230.218	810 KAR 007:010
230.225	810 KAR 001:301
	810 KAR 003:030
	810 KAR 007:030
	810 KAR 007:060
	810 KAR 007:070
	810 KAR 008:010
	810 KAR 008:020
	810 KAR 008:040
	811 KAR 001:301
	811 KAR 002:301
230.230	810 KAR 002:010
230.240	810 KAR 002:010
	810 KAR 002:020
	810 KAR 002:050
	810 KAR 004:030
	810 KAR 008:010
	810 KAR 008:020
	810 KAR 008:040
	810 KAR 008:050
	810 KAR 008:060
230.445	810 KAR 007:060
	810 KAR 007:070
230.260	810 KAR 002:001
	810 KAR 002:020
	810 KAR 002:030
	810 KAR 002:050
	810 KAR 002:060
	810 KAR 002:070
	810 KAR 002:080
	810 KAR 003:010

KRS SECTION	REGULATION
	810 KAR 003:020
	810 KAR 003:030
	810 KAR 003:040
	810 KAR 004:020
	810 KAR 004:040
	810 KAR 004:050
	810 KAR 004:060
	810 KAR 004:070
	810 KAR 004:090
	810 KAR 004:100
	810 KAR 005:010
	810 KAR 005:020
	810 KAR 005:030
	810 KAR 005:050
	810 KAR 005:060
	810 KAR 005:070
	810 KAR 005:080
	810 KAR 006:020
	810 KAR 007:040
	810 KAR 008:010
	810 KAR 008:020
	810 KAR 008:030
	810 KAR 008:040
	810 KAR 008:050
	810 KAR 008:060
230.265	810 KAR 008:010
	810 KAR 008:020
	810 KAR 008:030
	810 KAR 008:060
230.280	810 KAR 003:010
	810 KAR 003:020
	810 KAR 005:070
	810 KAR 005:080
230.290	810 KAR 002:030
	810 KAR 002:050
	810 KAR 003:010
	810 KAR 003:020
	810 KAR 003:030
	810 KAR 003:040
	810 KAR 004:030
	810 KAR 004:090
	810 KAR 004:100
	810 KAR 005:070
	810 KAR 005:080
	810 KAR 008:010
	810 KAR 008:020
	810 KAR 008:030
	810 KAR 008:040
	810 KAR 008:050
	810 KAR 008:060
230.300	810 KAR 003:010
	810 KAR 003:020
	810 KAR 003:030
	810 KAR 005:070
	810 KAR 008:030
	810 KAR 008:040
230.310	810 KAR 002:030
	810 KAR 002:050
	810 KAR 003:020
	810 KAR 003:030
	810 KAR 003:040
	810 KAR 004:030
	810 KAR 004:090
	810 KAR 004:100
	810 KAR 005:040
	810 KAR 005:070
	810 KAR 005:080
	810 KAR 008:030
	810 KAR 008:040
	810 KAR 009:010
230.320	810 KAR 002:030
	810 KAR 003:010
	810 KAR 003:020
	810 KAR 003:030

KRS SECTION	REGULATION
	810 KAR 003:040
	810 KAR 004:030
	810 KAR 004:090
	810 KAR 004:100
	810 KAR 005:070
	810 KAR 007:070
	810 KAR 008:010
	810 KAR 008:020
	810 KAR 008:030
	810 KAR 008:040
	810 KAR 008:050
	810 KAR 008:060
	810 KAR 009:010
230.330	810 KAR 007:020
	810 KAR 007:070
	810 KAR 009:010
230.361	810 KAR 003:030
	810 KAR 004:080
	810 KAR 006:020
	810 KAR 008:030
230.3615	810 KAR 006:020
230.370	810 KAR 003:030
	810 KAR 008:010
	810 KAR 008:020
	810 KAR 008:040
230.377	810 KAR 003:050
230.380	810 KAR 003:030
	810 KAR 003:050
230.400	810 KAR 007:030
	810 KAR 007:070
230.443	810 KAR 007:060
230.770	810 KAR 007:040
	810 KAR 007:070
230.800	810 KAR 007:020
	810 KAR 007:070
230.802	810 KAR 007:040
	810 KAR 007:070
230.804	810 KAR 007:070
230.990	810 KAR 006:020
	810 KAR 007:040
230.398	810 KAR 005:080
235.010	301 KAR 001:015
235.990	301 KAR 001:015
236.097	815 KAR 015:080
236.210	815 KAR 015:080
237.110	301 KAR 002:172
241.010	804 KAR 005:080
241.060	804 KAR 011:031
243.020	804 KAR 008:050
243.0307	804 KAR 001:110
243.036	804 KAR 001:110
243.130	804 KAR 001:070
243.150	804 KAR 001:070
243.170	804 KAR 001:070
243.180	804 KAR 001:070
243.232	804 KAR 005:080
243.260	804 KAR 001:110
243.340	804 KAR 001:070
243.390	804 KAR 004:011
243.480	804 KAR 007:020
243.490	804 KAR 007:020
	804 KAR 007:031
243.500	804 KAR 007:020
	804 KAR 007:031
243.540	804 KAR 007:020
243.630	804 KAR 004:011
244.085	804 KAR 007:020
244.090	804 KAR 005:021
244.130	804 KAR 001:030
	804 KAR 002:016
244.240	804 KAR 001:070
	804 KAR 001:110
	804 KAR 005:021
244.590	804 KAR 001:070

KRS SECTION	REGULATION
	804 KAR 001:110
244.600	804 KAR 005:021
246.210	302 KAR 020:221
247	302 KAR 001:011
	302 KAR 077:011
247.232	302 KAR 016:020
	302 KAR 016:040
	302 KAR 016:091
	302 KAR 016:101
247.233	302 KAR 016:070
	302 KAR 016:111
247.234	302 KAR 016:010
	302 KAR 016:020
	302 KAR 016:040
247.236	302 KAR 016:020
	302 KAR 016:040
	302 KAR 016:121
247.2351	302 KAR 016:131
250.491 - 250.631	012 KAR 002:006
	012 KAR 002:011
	012 KAR 002:016
	012 KAR 002:017
	012 KAR 002:018
	012 KAR 002:021
	012 KAR 002:026
	012 KAR 002:036
	012 KAR 002:056
	012 KAR 003:007
	012 KAR 003:032
250.501	012 KAR 002:031
	012 KAR 002:041
	012 KAR 002:046
	012 KAR 002:051
	012 KAR 002:061
	012 KAR 003:012
	012 KAR 003:017
	012 KAR 003:022
	012 KAR 003:027
	012 KAR 003:028
	012 KAR 003:037
	012 KAR 003:039
	012 KAR 003:042
250.511	012 KAR 002:041
	012 KAR 002:051
	012 KAR 002:061
	012 KAR 003:037
250.521	012 KAR 002:061
	012 KAR 003:012
	012 KAR 003:017
	012 KAR 003:022
	012 KAR 003:027
	012 KAR 003:028
	012 KAR 003:039
	012 KAR 003:042
250.531	012 KAR 002:031
	012 KAR 003:017
250.541	012 KAR 002:041
	012 KAR 002:051
	012 KAR 002:046
	012 KAR 002:066
	012 KAR 003:037
250.551	012 KAR 002:031
	012 KAR 002:046
	012 KAR 002:051
250.561	012 KAR 002:061
250.581	012 KAR 002:051
257	302 KAR 020:211
	302 KAR 020:231
	302 KAR 020:541
	302 KAR 020:581
257.020	302 KAR 020:561
	302 KAR 020:571
257.030	302 KAR 020:561
	302 KAR 020:571

KRS SECTION	REGULATION
257.040	302 KAR 020:571
257.050	302 KAR 020:221
	302 KAR 020:571
257.080	302 KAR 020:221
257.110	302 KAR 020:561
257.120	302 KAR 020:561
257.110 - 257.170	302 KAR 020:221
257.140	302 KAR 020:561
257.480	302 KAR 020:221
258	302 KAR 101:010
258.005	902 KAR 002:070
258.015	902 KAR 002:070
	922 KAR 001:310
	922 KAR 001:350
258.035	902 KAR 002:070
	922 KAR 001:310
	922 KAR 001:350
258.043	902 KAR 002:070
258.085	902 KAR 002:070
258.990	902 KAR 002:070
260.850 - 260.869	302 KAR 050:080
	302 KAR 050:090
262.902	302 KAR 100:011
	302 KAR 100:021
262.904	302 KAR 100:011
	302 KAR 100:021
262.908	302 KAR 100:011
	302 KAR 100:021
273.161	922 KAR 001:310
278	807 KAR 005:056
286	808 KAR 014:010
286.3-010	808 KAR 001:140
	808 KAR 001:161
286.3-020	808 KAR 001:140
	808 KAR 001:161
286.3-050	808 KAR 001:140
	808 KAR 001:161
286.3-095	808 KAR 001:140
	808 KAR 001:161
	808 KAR 011:021
	808 KAR 015:040
286.3-135	808 KAR 001:140
286.3-102	808 KAR 001:161
	808 KAR 015:030
286.3-135	808 KAR 001:161
286.3-140	808 KAR 001:140
	808 KAR 001:161
286.3-145	808 KAR 001:140
	808 KAR 001:161
286.3-146	808 KAR 001:140
	808 KAR 001:161
286.3-170	808 KAR 001:140
	808 KAR 001:161
286.3-172	808 KAR 001:140
	808 KAR 001:161
286.3-174	808 KAR 001:140
	808 KAR 001:161
286.3-180	808 KAR 001:060
	808 KAR 001:140
	808 KAR 001:161
	808 KAR 015:030
286.3-185	808 KAR 001:161
	808 KAR 015:030
286.3-280	808 KAR 001:161
	808 KAR 015:010
286.3-290	808 KAR 001:161
	808 KAR 015:010
286.3-300	808 KAR 001:161
	808 KAR 015:010
286.3-375	808 KAR 001:161
286.3-450	808 KAR 001:140
	808 KAR 001:161
286.3-480	808 KAR 001:140
	808 KAR 001:161

KRS SECTION	REGULATION
286.3-530	808 KAR 001:140
	808 KAR 001:161
286.3-690	808 KAR 001:161
	808 KAR 015:020
286.3-820	808 KAR 001:140
	808 KAR 001:161
	808 KAR 015:030
286.3-905	808 KAR 011:021
	808 KAR 015:040
5286.3-920	808 KAR 001:140
	808 KAR 001:161
286.4	808 KAR 001:170
	808 KAR 006:095
286.4-460	808 KAR 006:095
286.4-490	808 KAR 006:095
286.4-590	808 KAR 014:020
286.5-061	808 KAR 001:060
286.6-055	808 KAR 001:060
286.6-070	808 KAR 003:061
286.6-095	808 KAR 003:050
286.6-100	808 KAR 003:050
	808 KAR 003:061
286.6-225	808 KAR 003:050
286.6-585	808 KAR 003:050
286.6-095	808 KAR 003:050
286.6-405	808 KAR 003:061
286.7	808 KAR 003:061
286.8	808 KAR 012:111
286.8-010	808 KAR 012:055
286.8-020	808 KAR 001:170
286.8-030	808 KAR 001:170
286.8-036	808 KAR 001:170
286.8-070	808 KAR 001:170
286.8-080	808 KAR 001:170
286.8-090	808 KAR 001:170
286.8-120	808 KAR 012:050
286.8-150	808 KAR 001:180
286.8-225	808 KAR 001:180
286.8-227	808 KAR 001:180
286.8-255	808 KAR 012:055
286.8-260	808 KAR 001:170
286.8-290	808 KAR 001:170
286.9-010	808 KAR 001:170
	808 KAR 009:010
	808 KAR 009:050
286.9-020	808 KAR 001:170
	808 KAR 009:050
286.9-030	808 KAR 001:170
	808 KAR 009:050
286.9-040	808 KAR 001:170
	808 KAR 009:040
	808 KAR 009:050
286.9-050	808 KAR 001:170
	808 KAR 009:050
286.9-060	808 KAR 001:170
	808 KAR 009:050
286.9-070	808 KAR 009:050
286.9-071	808 KAR 001:170
	808 KAR 009:050
286.9-073	808 KAR 001:170
	808 KAR 009:050
286.9-075	808 KAR 009:010
	808 KAR 009:050
286.9-080	808 KAR 001:170
286.9-090	808 KAR 009:031
286.9-100	808 KAR 009:010
	808 KAR 009:040
286.9-104	808 KAR 009:050
286.9-120	808 KAR 009:031
286.9-140	808 KAR 009:010
287.030	806 KAR 009:190
290.095	808 KAR 003:061
290.585	808 KAR 003:061
292.322	808 KAR 001:180

KRS SECTION	REGULATION
292.330	806 KAR 009:350
304.1-010	806 KAR 009:020
304.1-050	806 KAR 009:070
304.1-080	806 KAR 009:360
	806 KAR 017:091
304.1-070	806 KAR 010:030
	806 KAR 010:051
304.1-110	806 KAR 009:070
304.2-110	806 KAR 015:081
304.2-140	806 KAR 047:010
304.2-250	806 KAR 002:121
304.2-310	806 KAR 017:091
	806 KAR 017:570
304.3	806 KAR 002:121
304.3-150	806 KAR 002:092
304.3-240	806 KAR 017:570
304.3-270	103 KAR 015:180
304.4-010	806 KAR 009:001
	806 KAR 009:070
304.5-130	806 KAR 005:011
304.5-140	806 KAR 005:011
304.5-150	806 KAR 005:011
304.09	806 KAR 009:020
304.9-020	806 KAR 017:091
304.9-030	806 KAR 009:070
	806 KAR 009:200
304.9-053	806 KAR 009:360
304.9-054	806 KAR 009:360
304.9-080	806 KAR 009:200
	806 KAR 009:341
304.9-085	806 KAR 009:200
304.9-105	806 KAR 009:001
	806 KAR 009:061
	806 KAR 009:070
	806 KAR 009:341
304.9-130	806 KAR 009:341
304.9-135	806 KAR 009:190
304.9-140	806 KAR 009:341
304.9-150	806 KAR 009:341
304.9-160	806 KAR 009:070
	806 KAR 009:341
304.9-190	806 KAR 009:070
	806 KAR 009:341
304.9-200	806 KAR 009:341
304.9-230	806 KAR 009:001
	806 KAR 009:070
	806 KAR 009:200
304.9-260	806 KAR 009:341
304.9-270	806 KAR 009:341
304.9-280	806 KAR 009:341
304.9-290	806 KAR 009:110
304.9-295	806 KAR 009:341
304.9-320	806 KAR 009:070
	806 KAR 009:341
304.9-350	806 KAR 009:350
304.9-390	806 KAR 009:061
304.9-410	806 KAR 009:200
304.9-430	806 KAR 009:030
	806 KAR 009:070
	806 KAR 009:341
304.9-432	806 KAR 009:030
	806 KAR 009:061
	806 KAR 009:341
304.9-505	806 KAR 009:070
	806 KAR 009:341
304.9-705	806 KAR 009:341
304.10	806 KAR 009:200
304.10-030	806 KAR 010:030
	806 KAR 010:051
304.10-040	806 KAR 010:051
304.10-050	806 KAR 010:030
	806 KAR 010:051
304.10-060	806 KAR 010:051
304.10-070	806 KAR 010:051

KRS SECTION	REGULATION
304.10-120	806 KAR 002:121
304.10-160	806 KAR 010:051
304.10-170	806 KAR 010:030
304.10-180	806 KAR 010:030
304.11-010	806 KAR 005:011
304.11-030	401 KAR 039:090
304.11-050	806 KAR 005:011
304.12-013	806 KAR 017:091
304.12-020	806 KAR 017:570
304.12-130	806 KAR 009:020
304.12-190	806 KAR 017:091
304.13-011	806 KAR 009:200
304.14-020	806 KAR 017:091
304.14-120	806 KAR 017:020
	806 KAR 017:091
	806 KAR 017:570
304.14-135	900 KAR 007:030
304.14-140	806 KAR 017:091
304.14-150	806 KAR 017:091
304.14-180	806 KAR 017:091
304.14-210	806 KAR 017:091
304.14-360	806 KAR 017:091
304.14-430	806 KAR 017:091
304.14-440	806 KAR 017:091
304.14-450	806 KAR 017:091
304.15-020	806 KAR 009:310
	806 KAR 009:321
304.15-700	806 KAR 009:070
	806 KAR 009:341
304.15-700 - 304.15-725	806 KAR 009:310
	806 KAR 009:321
304.17-030	806 KAR 017:091
304.17-042	806 KAR 017:091
304.17-070	806 KAR 017:091
304.17-310	806 KAR 017:091
304.17-311	806 KAR 017:570
304.17-313	806 KAR 017:091
304.17-319	806 KAR 017:091
304.17-415	806 KAR 017:091
304.17-3165	806 KAR 017:091
304.17A.005	806 KAR 017:091
	806 KAR 017:360
	806 KAR 017:570
304.17A-095 - 304.17A-0954	806 KAR 017:091
304.17A-096 - 304.17A-132	806 KAR 017:091
304.17A.132	806 KAR 017:091
304.17A.134	806 KAR 017:091
304.17A-135 - 304.17A-145	806 KAR 017:091
304.17A.139	806 KAR 017:091
304.17A.140	806 KAR 017:091
304.17A.142	806 KAR 017:091
304.17A-148 - 304.17A-149	806 KAR 017:091
304.17A.149	806 KAR 017:091
304.17A-150	806 KAR 017:300
304.17A.155	806 KAR 017:091
304.17A.171	806 KAR 017:091
304.17A.200	806 KAR 017:091
304.17A.230	806 KAR 017:091
304.17A.243	806 KAR 017:091
304.17A.245	806 KAR 017:091
304.17A.250	806 KAR 017:091
304.17A.258	806 KAR 017:091
	902 KAR 004:035
304.17A-500	806 KAR 017:300
304.17A.520	806 KAR 017:091
304.17A-527	806 KAR 017:300
304.17A-530	806 KAR 017:300
304.17A-532	806 KAR 017:300
304.17A.540	806 KAR 017:091
304.17A.545	806 KAR 017:091
304.17A-560	806 KAR 017:300
304.17A-575	806 KAR 017:300
304.17A-577	806 KAR 017:300
304.17A-578	806 KAR 017:300

KRS SECTION	REGULATION
304.17A.647	806 KAR 017:091
304.17A-700	806 KAR 017:360
304.17A-702	806 KAR 017:360
304.17A-704	806 KAR 017:360
304.17A-706	806 KAR 017:360
304.17A-708	806 KAR 017:360
304.17A-720	806 KAR 017:360
304.17A-728	806 KAR 017:300
304.17A-730	806 KAR 017:360
304.17B.001 - 304.17B.033	806 KAR 017:091
304.17C-060	806 KAR 017:091
	806 KAR 017:300
304.17C-090	806 KAR 017:360
304.18-032	806 KAR 017:091
304.18-034	806 KAR 017:570
304.18-110	806 KAR 017:091
304.18-0365	806 KAR 017:091
304.18-0365 - 304.18-037	806 KAR 017:091
304.18-0985	806 KAR 017:091
304.24-420	806 KAR 005:011
304.32-153	806 KAR 017:091
304.32-275	806 KAR 017:570
304.32-280	806 KAR 017:091
304.32-1585	806 KAR 017:091
304.32-1595	806 KAR 017:091
304.33-030	806 KAR 017:570
304.38-199	806 KAR 017:091
304.38-205	806 KAR 017:570
304.38-210	806 KAR 017:091
304.38-240	907 KAR 003:170
304.38-1935 - 304.38-1937	806 KAR 017:091
304.38-1937	806 KAR 017:091
304.46	806 KAR 009:200
304.47-010	806 KAR 047:010
304.47-020	806 KAR 047:010
304.47-040	806 KAR 047:010
304.47-050	806 KAR 047:010
	806 KAR 047:021
304.47-080	806 KAR 047:010
	806 KAR 047:021
304.99	806 KAR 017:300
304.99-085	806 KAR 010:030
304.99-123	806 KAR 017:360
309.080	908 KAR 001:370
	908 KAR 001:372
309.130	908 KAR 001:370
309.0831	908 KAR 001:370
310.021	902 KAR 020:036
310.031	902 KAR 020:036
311	201 KAR 027:008
	902 KAR 020:260
	902 KAR 020:111
	911 KAR 001:010
311.475	201 KAR 025:062
311.530 - 311.620	201 KAR 009:260
311.571	908 KAR 001:370
311.621	900 KAR 009:010
311.6225	910 KAR 002:040
311.720	922 KAR 001:310
	922 KAR 001:350
	922 KAR 001:495
311.840	922 KAR 001:310
	922 KAR 001:350
	922 KAR 001:495
311.990	201 KAR 009:260
311A.010	202 KAR 007:520
	202 KAR 007:575
311A.030	202 KAR 007:520
	202 KAR 007:560
	900 KAR 006:075
311A.032	202 KAR 007:575
311A.035	202 KAR 007:520
311A.050	202 KAR 007:520
311A.055	202 KAR 007:520

KRS SECTION	REGULATION
311A.060	202 KAR 007:520
311A.155	202 KAR 007:520
311A.190	202 KAR 007:520
	202 KAR 007:560
311B.020	201 KAR 046:010
	201 KAR 046:030
	201 KAR 046:040
	201 KAR 046:081
311B.050	201 KAR 046:020
	201 KAR 046:030
	201 KAR 046:040
	201 KAR 046:045
	201 KAR 046:081
311B.080	201 KAR 046:030
311B.100	201 KAR 046:020
	201 KAR 046:040
	201 KAR 046:045
	201 KAR 046:081
311B.110	201 KAR 046:020
	201 KAR 046:040
	201 KAR 046:081
311B.120	201 KAR 046:020
	201 KAR 046:040
	201 KAR 046:045
	201 KAR 046:081
311B.130	201 KAR 046:020
311B.140	201 KAR 046:020
311B.180	201 KAR 046:020
	201 KAR 046:040
	201 KAR 046:045
	201 KAR 046:081
311B.190	201 KAR 046:020
	201 KAR 046:040
	201 KAR 046:045
	201 KAR 046:081
312.019	201 KAR 021:015
	201 KAR 021:045
312.021	201 KAR 021:045
313.254	201 KAR 008:581
314	902 KAR 020:260
314.011	201 KAR 020:056
	201 KAR 020:057
	201 KAR 020:062
	201 KAR 020:065
	201 KAR 020:161
	201 KAR 020:162
	201 KAR 020:215
	201 KAR 020:220
	201 KAR 020:280
	201 KAR 020:320
	201 KAR 020:411
	201 KAR 020:490
	908 KAR 001:370
	922 KAR 001:310
	922 KAR 001:350
	922 KAR 001:495
	922 KAR 002:160
314.021	201 KAR 020:320
314.027	201 KAR 020:240
314.031	201 KAR 020:161
	201 KAR 020:162
314.041	201 KAR 020:240
	201 KAR 020:260
	201 KAR 020:320
	201 KAR 020:370
314.042	201 KAR 020:056
	201 KAR 020:057
	201 KAR 020:062
	201 KAR 020:065
	201 KAR 020:240
	201 KAR 020:370
314.051	201 KAR 020:240
	201 KAR 020:370
314.071	201 KAR 020:161

KRS SECTION	REGULATION
	201 KAR 020:162
	201 KAR 020:240
	201 KAR 020:370
314.073	201 KAR 020:215
	201 KAR 020:220
	201 KAR 020:240
314.075	201 KAR 020:240
314.091	201 KAR 020:056
	201 KAR 020:161
	201 KAR 020:162
	201 KAR 020:370
314.101	201 KAR 020:240
314.103	201 KAR 020:056
	201 KAR 020:370
	201 KAR 020:411
314.105	201 KAR 020:226
314.107	201 KAR 020:161
314.109	201 KAR 020:056
314.111	201 KAR 020:056
	201 KAR 020:260
	201 KAR 020:280
	201 KAR 020:310
	201 KAR 020:320
	201 KAR 020:340
	201 KAR 020:350
	201 KAR 020:360
	201 KAR 020:632
314.131	201 KAR 020:062
	201 KAR 020:220
	201 KAR 020:260
	201 KAR 020:280
	201 KAR 020:320
	201 KAR 020:350
314.142	201 KAR 020:240
	201 KAR 020:411
314.161	201 KAR 020:056
	201 KAR 020:162
	201 KAR 020:240
314.171	201 KAR 020:240
314.181	201 KAR 020:226
314.193	201 KAR 020:057
314.195	201 KAR 020:057
314.196	201 KAR 020:057
314.470	201 KAR 020:161
	201 KAR 020:310
314.475	201 KAR 020:056
	201 KAR 020:370
	201 KAR 020:475
	201 KAR 020:506
314.991	201 KAR 020:161
	201 KAR 020:162
	201 KAR 020:215
315	201 KAR 002:090
	201 KAR 002:100
315.010	201 KAR 002:095
	201 KAR 002:225
	201 KAR 002:340
	201 KAR 002:370
315.020	201 KAR 002:095
	201 KAR 002:225
	201 KAR 002:340
	201 KAR 002:370
	908 KAR 001:341
315.030	201 KAR 002:370
315.035	201 KAR 002:225
	201 KAR 002:240
	201 KAR 002:340
315.036	902 KAR 055:011
315.050	201 KAR 002:010
	201 KAR 002:095
315.065	201 KAR 002:015
315.120	201 KAR 002:015
315.121	201 KAR 002:270
	201 KAR 002:370

KRS SECTION	REGULATION
315.191	201 KAR 002:165
	201 KAR 002:225
	201 KAR 002:270
	201 KAR 002:310
	201 KAR 002:340
	902 KAR 055:011
315.402	902 KAR 055:011
315.406	902 KAR 055:011
317A.020	201 KAR 012:030
	201 KAR 012:082
	201 KAR 012:260
317A.050	201 KAR 012:030
	201 KAR 012:082
317A.060	201 KAR 012:030
	201 KAR 012:251
317A.062	201 KAR 012:260
317A.090	317 KAR 012:082
317A.130	201 KAR 012:280
318.010	815 KAR 020:030
318.020	815 KAR 020:030
318.030	815 KAR 020:030
318.040	815 KAR 020:030
318.050	815 KAR 002:040
	815 KAR 020:030
318.054	815 KAR 002:010
	815 KAR 002:020
	815 KAR 002:040
	815 KAR 020:030
318.060	815 KAR 020:030
318.080	815 KAR 020:030
318.100	815 KAR 002:030
318.130	815 KAR 002:010
	815 KAR 002:020
	902 KAR 045:160
318.134	815 KAR 002:040
318.170	815 KAR 002:030
	815 KAR 020:041
319	911 KAR 001:010
319.005	201 KAR 026:130
	908 KAR 001:370
319.032	201 KAR 026:130
	201 KAR 026:171
	201 KAR 026:175
319.050	201 KAR 026:171
	201 KAR 026:175
	201 KAR 026:200
319.053	201 KAR 026:175
319.056	201 KAR 026:171
	908 KAR 001:370
319.064	201 KAR 026:171
	201 KAR 026:175
	201 KAR 026:200
	201 KAR 026:211
	201 KAR 026:280
	908 KAR 001:370
319.071	201 KAR 026:175
319.082	201 KAR 026:130
	201 KAR 026:171
319.092	201 KAR 026:140
	201 KAR 026:171
319.118	201 KAR 026:130
	201 KAR 026:171
319.990	201 KAR 026:130
319A.010	201 KAR 028:170
	907 KAR 001:604
319A.070	201 KAR 028:021
319A.080	201 KAR 028:060
	201 KAR 028:170
319A.100	201 KAR 028:060
319A.110	201 KAR 028:060
319A.120	201 KAR 028:060
319A.140	201 KAR 028:060
319A.150	201 KAR 028:060
319A.160	201 KAR 028:060

KRS SECTION	REGULATION
319A.170	201 KAR 028:060
	201 KAR 028:170
322	401 KAR 042:341
322A	401 KAR 042:341
325.240	201 KAR 001:290
	201 KAR 001:240
	201 KAR 001:310
325.340	201 KAR 001:290
	201 KAR 001:340
326.020	201 KAR 013:040
	201 KAR 013:050
	201 KAR 013:055
	201 KAR 013:060
326.035	201 KAR 013:040
	201 KAR 013:050
	201 KAR 013:055
326.040	201 KAR 013:040
	201 KAR 013:060
326.080	201 KAR 013:040
	201 KAR 013:055
327.010	201 KAR 022:020
	907 KAR 001:604
327.050	201 KAR 022:020
	201 KAR 022:040
	201 KAR 022:070
	201 KAR 022:135
327.060	201 KAR 022:020
	201 KAR 022:070
327.070	201 KAR 022:040
327.075	201 KAR 022:020
	201 KAR 022:135
327.080	201 KAR 022:020
	201 KAR 022:135
327.300	201 KAR 022:170
327.310	201 KAR 022:020
329A.010	201 KAR 041:065
329A.015	201 KAR 041:065
329A.025	201 KAR 041:030
	201 KAR 041:040
	201 KAR 041:065
	201 KAR 041:070
	201 KAR 041:080
329A.035	201 KAR 041:020
	201 KAR 041:030
329A.040	201 KAR 041:020
	201 KAR 041:040
	201 KAR 041:080
329A.045	201 KAR 041:040
	201 KAR 041:060
	201 KAR 041:070
329A.060	201 KAR 041:080
329A.065	201 KAR 041:020
329A.080	201 KAR 041:065
330.050	831 KAR 001:010
	831 KAR 001:030
330.060	831 KAR 001:010
	831 KAR 001:030
330.070	831 KAR 001:010
	831 KAR 001:030
330.095	831 KAR 001:010
	831 KAR 001:030
330.110	831 KAR 001:020
330.120	831 KAR 001:020
330.130	831 KAR 001:020
330.192	831 KAR 001:010
334A	911 KAR 001:010
334A.020	907 KAR 001:604
335.030	201 KAR 023:150
335.070	201 KAR 023:150
335.080	908 KAR 001:370
335.100	908 KAR 001:370
335.150	201 KAR 023:150
335.155	201 KAR 023:150
335.300	908 KAR 001:370

KRS SECTION	REGULATION
335.305	201 KAR 032:110
335.310	201 KAR 032:110
335.320	201 KAR 032:110
335.325	201 KAR 032:110
335.380	201 KAR 032:110
335.399	201 KAR 032:110
335.500	908 KAR 001:370
337.275	922 KAR 002:160
338	803 KAR 050:010
338.015	803 KAR 002:180
	803 KAR 002:320
	803 KAR 002:505
338.031	803 KAR 002:320
338.121	803 KAR 002:180
338.161	803 KAR 002:180
339.230	815 KAR 035:060
341.190	787 KAR 001:010
342.0011	803 KAR 025:089
	803 KAR 025:270
	803 KAR 025:290
	803 KAR 030:010
342.019	803 KAR 025:089
342.020	803 KAR 025:089
	803 KAR 025:270
	803 KAR 025:290
342.035	803 KAR 025:089
	803 KAR 025:270
342.122	803 KAR 030:010
	803 KAR 030:021
342.1221	803 KAR 030:010
342.1222	803 KAR 030:010
342.1223	803 KAR 030:010
342.1231	803 KAR 030:010
	803 KAR 030:021
342.340	803 KAR 030:010
342.650	803 KAR 030:010
350	405 KAR 010:001
350.010	400 KAR 001:110
350.020	405 KAR 010:015
350.028	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:110
350.029	400 KAR 001:090
350.032	400 KAR 001:001
	400 KAR 001:090
350.060	400 KAR 001:090
	405 KAR 010:015
350.062	405 KAR 010:015
350.064	405 KAR 010:015
350.070	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:110
350.085	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
350.090	400 KAR 001:001
	400 KAR 001:090
	400 KAR 001:110
350.093	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:110
	405 KAR 010:015
350.095	405 KAR 010:015
350.100	405 KAR 010:015
350.130	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:110
350.151	405 KAR 010:015
350.240	400 KAR 001:090
350.255	400 KAR 001:001

KRS SECTION	REGULATION
	400 KAR 001:090
	400 KAR 001:110
350.300	400 KAR 001:090
350.305	400 KAR 001:090
350.465	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:110
	405 KAR 010:015
350.610	400 KAR 001:001
	400 KAR 001:090
350.990	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:110
350.0301	400 KAR 001:001
	400 KAR 001:090
	400 KAR 001:110
350.0305	400 KAR 001:001
	400 KAR 001:090
351.010	805 KAR 007:080
351.070	805 KAR 003:100
	805 KAR 003:110
351.127	805 KAR 007:080
351.182	805 KAR 007:080
351.315	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:110
351.345	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:110
351.350	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:110
352.390	805 KAR 007:080
353	400 KAR 001:100
353.060	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
353.200	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
353.510	805 KAR 001:210
353.590	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
353.620	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
353.630	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	805 KAR 001:210
353.640	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	805 KAR 001:210
353.700	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
353.5901	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
363.590	302 KAR 085:010
363.610	302 KAR 085:010
367.680	040 KAR 002:345
367.686	040 KAR 002:345
367.688	040 KAR 002:345
367.689	040 KAR 002:345
367.690	040 KAR 002:345
367.97501	910 KAR 002:040

KRS SECTION	REGULATION
367.97524	910 KAR 002:040
367.97527	910 KAR 002:040
369.101 - 369.120	895 KAR 001:035
	907 KAR 008:040
382.800 - 382.860	418 KAR 001:040
	418 KAR 001:050
383.085	902 KAR 045:065
	902 KAR 045:070
387	922 KAR 001:565
387.010	902 KAR 045:065
	902 KAR 045:070
	902 KAR 045:075
387.025	922 KAR 001:140
387.500 - 387.990	910 KAR 002:020
	910 KAR 002:040
389A	910 KAR 002:020
389A.010	910 KAR 002:040
389A.015	910 KAR 002:040
403.190	102 KAR 001:320
403.211	921 KAR 001:380
403.270-403.355	922 KAR 001:565
403.352	922 KAR 001:470
403.707	201 KAR 020:411
405.024	922 KAR 001:565
405.430	921 KAR 001:380
405.467	921 KAR 001:380
405.520	921 KAR 001:380
406.021	921 KAR 001:380
406.025	921 KAR 001:380
407.5101 - 407.5903	921 KAR 001:380
421.500 - 421.575	201 KAR 020:411
422.317	907 KAR 003:170
	908 KAR 001:370
424	106 KAR 001:091
	400 KAR 002:100
424.110 - 424.150	902 KAR 008:170
431.615	907 KAR 001:360
433.900 - 433.906	830 KAR 001:010
434.840 - 434.860	907 KAR 003:170
438.305 - 438.340	302 KAR 078:021
439	501 KAR 006:020
439.3401	908 KAR 001:370
446.010	418 KAR 001:010
503.110	922 KAR 001:310
514	921 KAR 002:015
527.100	922 KAR 001:140
	922 KAR 001:310
	922 KAR 001:350
	922 KAR 001:565
527.110	922 KAR 001:140
	922 KAR 001:310
	922 KAR 001:350
	922 KAR 001:565
600 - 645	505 KAR 001:100
	505 KAR 001:110
	505 KAR 001:180
	505 KAR 001:190
600.020	922 KAR 001:050
	922 KAR 001:100
	922 KAR 001:305
	922 KAR 001:310
	922 KAR 001:350
	922 KAR 001:360
	922 KAR 001:400
	922 KAR 001:470
	922 KAR 001:495
	922 KAR 001:530
	922 KAR 002:160
	922 KAR 001:565
605.090	922 KAR 001:100
	922 KAR 001:140
	922 KAR 001:310
	922 KAR 001:350
	922 KAR 001:360

KRS SECTION	REGULATION
605.100	922 KAR 001:350
	922 KAR 001:495
	922 KAR 001:530
605.110	505 KAR 001:080
605.120	922 KAR 002:160
	922 KAR 001:565
605.130	922 KAR 001:530
	922 KAR 001:400
	922 KAR 001:470
	922 KAR 001:565
605.150	922 KAR 001:400
	922 KAR 001:470
	922 KAR 001:495
	922 KAR 001:565
610.110	922 KAR 001:360
	922 KAR 001:140
	922 KAR 001:305
	922 KAR 001:310
	922 KAR 001:350
	922 KAR 001:565
610.125	922 KAR 001:140
	922 KAR 001:310
610.127	922 KAR 001:140
610.170	921 KAR 001:380
	922 KAR 001:530
610.110	922 KAR 001:305
	922 KAR 001:400
	922 KAR 001:500
615.010 - -615.990	922 KAR 001:310
615.030	922 KAR 001:010
	922 KAR 001:100
620.020	922 KAR 001:140
	922 KAR 001:400
	922 KAR 001:560
	922 KAR 001:500
	922 KAR 002:160
	922 KAR 001:565
620.030	908 KAR 001:370
	922 KAR 001:310
	922 KAR 001:350
620.050	922 KAR 001:100
	922 KAR 001:350
	922 KAR 001:470
620.051	922 KAR 001:470
620.060	922 KAR 001:140
620.090	922 KAR 001:140
	922 KAR 001:310
620.140	922 KAR 001:140
	922 KAR 001:305
	922 KAR 001:310
	922 KAR 001:350
	922 KAR 001:400
	922 KAR 001:500
620.180	922 KAR 001:140
620.230	922 KAR 001:310
620.360	922 KAR 001:100
	922 KAR 001:350
	922 KAR 001:495
625	922 KAR 001:010
	922 KAR 001:050
	922 KAR 001:060
	922 KAR 001:100
	922 KAR 001:310
	922 KAR 001:350
625.040	922 KAR 001:140
625.045	922 KAR 001:100
625.050 - 625.120	922 KAR 001:470
625.065	922 KAR 001:560
625.090	922 KAR 001:140
625.108	922 KAR 001:100
2 C.F.R.	202 KAR 007:520
	902 KAR 008:165
	902 KAR 008:170
7 C.F.R.	405 KAR 010:001

KRS SECTION	REGULATION
	902 KAR 004:035
	921 KAR 003:025
	921 KAR 003:030
	921 KAR 003:035
	921 KAR 003:060
	921 KAR 003:070
	922 KAR 002:160
10 C.F.R.	401 KAR 042:020
	902 KAR 100:022
	902 KAR 100:052
	902 KAR 100:070
	902 KAR 100:072
	902 KAR 100:100
	902 KAR 100:142
12 C.F.R.	808 KAR 003:061
	808 KAR 014:010
	808 KAR 015:030
16 C.F.R.	922 KAR 001:310
	922 KAR 001:350
20 C.F.R.	895 KAR 001:001
	910 KAR 002:040
	922 KAR 002:160
21 C.F.R.	012 KAR 002:031
	012 KAR 002:041
	012 KAR 002:051
	012 KAR 003:037
	902 KAR 020:036
	902 KAR 045:075
	902 KAR 045:090
	902 KAR 045:160
	908 KAR 001:374
	921 KAR 002:015
23 C.F.R.	603 KAR 005:070
24 C.F.R.	815 KAR 025:090
28 C.F.R.	201 KAR 041:020
	902 KAR 045:065
	902 KAR 045:070
29 C.F.R.	106 KAR 001:081
	702 KAR 001:160
	803 KAR 002:180
	803 KAR 002:320
	803 KAR 002:505
	806 KAR 017:091
	815 KAR 035:060
	902 KAR 020:260
	902 KAR 020:275
	902 KAR 045:065
	902 KAR 045:070
30 C.F.R.	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:110
	405 KAR 010:001
34 C.F.R.	011 KAR 004:080
	922 KAR 002:160
39 C.F.R.	400 KAR 001:090
40 C.F.R.	106 KAR 001:081
	106 KAR 001:091
	401 KAR 005:002
	401 KAR 008:050
	401 KAR 039:060
	401 KAR 039:080
	401 KAR 039:090
	401 KAR 042:005
	401 KAR 042:020
	401 KAR 042:060
	401 KAR 042:250
	401 KAR 042:330
	401 KAR 042:341
	401 KAR 052:050
	401 KAR 052:070
	405 KAR 010:001
	902 KAR 100:022
42 C.F.R.	806 KAR 017:570

KRS SECTION	REGULATION
	895 KAR 001:001
	895 KAR 001:010
	895 KAR 001:015
	895 KAR 001:030
	895 KAR 001:035
	895 KAR 001:055
	900 KAR 002:040
	900 KAR 009:010
	902 KAR 020:300
	907 KAR 001:005
	907 KAR 001:022
	907 KAR 001:025
	907 KAR 001:270
	907 KAR 001:330
	907 KAR 001:340
	907 KAR 001:360
	907 KAR 001:560
	907 KAR 001:563
	907 KAR 001:604
	907 KAR 001:755
	907 KAR 003:170
	907 KAR 005:005
	907 KAR 008:040
	907 KAR 010:820
	908 KAR 001:341
	908 KAR 001:370
	908 KAR 001:374
	911 KAR 001:010
	922 KAR 001:350
45 C.F.R.	806 KAR 009:360
	806 KAR 017:570
	900 KAR 002:040
	900 KAR 009:010
	902 KAR 020:260
	902 KAR 020:275
	902 KAR 100:072
	907 KAR 001:360
	907 KAR 003:170
	907 KAR 008:040
	908 KAR 001:370
	921 KAR 001:380
	921 KAR 002:055
	921 KAR 003:025
	922 KAR 001:060
	922 KAR 001:100
	922 KAR 001:140
	922 KAR 001:310
	922 KAR 001:350
	922 KAR 001:400
	922 KAR 001:495
	922 KAR 001:500
	922 KAR 001:510
	922 KAR 001:530
	922 KAR 002:160
49 C.F.R.	902 KAR 100:070
50 C.F.R.	400 KAR 003:020
74 C.F.R.	806 KAR 017:570
7 U.S.C.	302 KAR 027:050
	302 KAR 028:050
	302 KAR 029:020
	302 KAR 050:080
	921 KAR 003:025
	921 KAR 003:030
	921 KAR 003:035
	921 KAR 003:060
	922 KAR 002:160
8 U.S.C.	922 KAR 001:310
	922 KAR 001:350
	921 KAR 002:015
12 U.S.C.	808 KAR 003:050
15 U.S.C.	012 KAR 003:012
	012 KAR 003:028
	012 KAR 003:039
	201 KAR 027:008

KRS SECTION	REGULATION
	201 KAR 027:011
	401 KAR 005:002
	808 KAR 012:055
	908 KAR 001:374
18 U.S.C.	601 KAR 002:030
20 U.S.C.	011 KAR 004:080
	011 KAR 015:010
	703 KAR 005:270
	702 KAR 007:065
	704 KAR 003:292
	704 KAR 003:365
	808 KAR 003:050
	922 KAR 001:500
21 U.S.C.	012 KAR 002:041
	012 KAR 003:037
	902 KAR 020:111
	902 KAR 020:260
	902 KAR 045:090
	902 KAR 045:160
23 U.S.C.	603 KAR 005:070
25 U.S.C.	922 KAR 001:100
	922 KAR 001:140
	922 KAR 002:160
26 U.S.C.	101 KAR 002:095
	102 KAR 001:320
	103 KAR 015:180
	105 KAR 001:145
	105 KAR 001:147
	301 KAR 003:100
	907 KAR 005:005
29 U.S.C.	806 KAR 017:091
	806 KAR 017:570
	895 KAR 001:001
	907 KAR 005:005
	922 KAR 002:160
30 U.S.C.	400 KAR 001:001
	400 KAR 001:040
	400 KAR 001:090
	400 KAR 001:110
	405 KAR 010:001
	803 KAR 030:010
	921 KAR 002:055
31 U.S.C.	045 KAR 001:050
33 U.S.C.	401 KAR 005:002
	803 KAR 030:010
34 U.S.C.	922 KAR 002:160
38 U.S.C.	921 KAR 002:055
	922 KAR 002:160
42 U.S.C.	106 KAR 001:081
	106 KAR 001:091
	106 KAR 001:121
	201 KAR 006:040
	401 KAR 005:002
	401 KAR 008:030
	401 KAR 039:060
	401 KAR 042:005
	401 KAR 042:020
	401 KAR 042:060
	401 KAR 042:341
	401 KAR 052:050
	806 KAR 017:091
	806 KAR 017:570
	815 KAR 025:050
	895 KAR 001:001
	895 KAR 001:010
	895 KAR 001:015
	895 KAR 001:020
	895 KAR 001:025
	895 KAR 001:030
	895 KAR 001:035
	895 KAR 001:040
	895 KAR 001:045
	895 KAR 001:050
	895 KAR 001:055

KRS SECTION	REGULATION
	900 KAR 002:040
	902 KAR 020:260
	902 KAR 020:275
	902 KAR 100:022
	902 KAR 100:052
	902 KAR 100:070
	902 KAR 100:072
	902 KAR 100:100
	902 KAR 100:142
	906 KAR 001:190
	907 KAR 001:005
	907 KAR 001:022
	907 KAR 001:270
	907 KAR 001:330
	907 KAR 001:340
	907 KAR 001:360
	907 KAR 001:560
	907 KAR 001:563
	907 KAR 001:604
	907 KAR 001:755
	907 KAR 005:005
	907 KAR 008:040
	907 KAR 010:820
	908 KAR 001:370
	910 KAR 002:040
	911 KAR 001:010
	921 KAR 001:380
	921 KAR 002:015
	921 KAR 002:055
	921 KAR 003:030
	921 KAR 003:035
	922 KAR 001:060
	922 KAR 001:100
	922 KAR 001:140
	922 KAR 001:305
	922 KAR 001:310
	922 KAR 001:350
	922 KAR 001:360
	922 KAR 001:400
	922 KAR 001:470
	922 KAR 001:495
	922 KAR 001:500
	922 KAR 001:530
	922 KAR 002:160
45 U.S.C.	921 KAR 002:055
49 U.S.C.	302 KAR 029:020
	603 KAR 005:070
50 U.S.C.	103 KAR 017:130
52 U.S.C.	921 KAR 003:030
2012 Ky Acts ch. 144	806 KAR 017:091
2014 Ky Acts ch. 117	907 KAR 001:604
2016 Ky Acts ch. 149	922 KAR 002:160
Pres. EO 13166	921 KAR 003:030
Pub. L 104-182	401 KAR 008:050
Pub. L 108-173	806 KAR 017:570
Pub. L 114-94	603 KAR 005:070
Pub L 14-198	201 KAR 020:065

CERTIFICATION LETTER SUMMARIES

The certification process is established in KRS 13A.3104. If the certification letter states the regulation shall be amended, the administrative body shall file an amendment to the regulation within 18 months of the date the certification letter was filed. If the certification letter states that the regulation shall remain in effect without amendment, the last effective date of the regulation is changed to the date the regulations compiler received the letter.

* KRS 13A.010(6) - "Effective" means that an administrative regulation has completed the legislative review process established by KRS 13A.290, 13A.330, and 13A.331.

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
011 KAR 003:001	03-04-1993	01-10-1994	09-28-2018	Remain in Effect without Amendment
011 KAR 003:005	12-09-1992	09-12-1994	09-28-2018	Remain in Effect without Amendment
011 KAR 003:045	03-04-1993	03-04-1993	09-28-2018	Remain in Effect without Amendment
011 KAR 003:055	03-04-1993	03-04-1993	09-28-2018	Remain in Effect without Amendment
011 KAR 003:100	08-20-1992	02-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 004:020	02-04-1976	09-13-2004	09-28-2018	Remain in Effect without Amendment
011 KAR 004:030	11-01-1978	04-14-1997	09-28-2018	Remain in Effect without Amendment
011 KAR 004:040	10-09-1984	11-08-2004	09-28-2018	Remain in Effect without Amendment
011 KAR 004:050	05-14-1985	10-01-1998	09-28-2018	Remain in Effect without Amendment
011 KAR 004:060	10-01-1992	10-01-1992	09-28-2018	Remain in Effect without Amendment
011 KAR 005:001	08-01-1992	02-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 005:033	08-01-1992	02-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 005:110	11-04-1988	08-01-1992	09-28-2018	Remain in Effect without Amendment
011 KAR 005:130	03-23-1989	10-06-2006	09-28-2018	Remain in Effect without Amendment
011 KAR 005:140	02-03-1989	09-09-2013	09-28-2018	Remain in Effect without Amendment
011 KAR 005:145	08-01-1992	07-01-2016	09-28-2018	Remain in Effect without Amendment
011 KAR 005:150	02-03-1989	09-09-2002	09-28-2018	Remain in Effect without Amendment
011 KAR 005:160	02-03-1989	03-11-2005	09-28-2018	Remain in Effect without Amendment
011 KAR 005:170	02-03-1989	02-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 005:180	02-03-1989	06-03-2003	09-28-2018	Remain in Effect without Amendment
011 KAR 005:200	04-06-2007	07-13-2009	09-28-2018	Remain in Effect without Amendment
011 KAR 007:010	03-04-1986	02-07-1991	09-28-2018	Remain in Effect without Amendment
011 KAR 007:020	08-12-1986	02-07-1991	09-28-2018	Remain in Effect without Amendment
011 KAR 008:010	08-12-1986	08-09-1990	09-28-2018	Remain in Effect without Amendment
011 KAR 008:020	08-12-1986	08-09-1990	09-28-2018	Remain in Effect without Amendment
011 KAR 008:030	08-09-1990	02-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 008:040	08-09-1990	01-05-2009	09-28-2018	Remain in Effect without Amendment
011 KAR 010:010	04-14-1987	10-07-1993	09-28-2018	Remain in Effect without Amendment
011 KAR 010:020	04-14-1987	10-07-1993	09-28-2018	Remain in Effect without Amendment
011 KAR 012:010	08-02-1991	12-18-2002	09-28-2018	Remain in Effect without Amendment
011 KAR 012:020	08-02-1991	10-11-1999	09-28-2018	Remain in Effect without Amendment
011 KAR 012:030	08-02-1991	12-18-2002	09-28-2018	Remain in Effect without Amendment
011 KAR 012:040	08-02-1991	02-11-2002	09-28-2018	Remain in Effect without Amendment
011 KAR 012:050	08-02-1991	02-11-2002	09-28-2018	Remain in Effect without Amendment
011 KAR 012:060	08-02-1991	07-12-2010	09-28-2018	Remain in Effect without Amendment
011 KAR 012:070	08-02-1991	08-14-2000	09-28-2018	Remain in Effect without Amendment
011 KAR 012:090	08-02-1991	10-01-1992	09-28-2018	Remain in Effect without Amendment
011 KAR 013:010	03-06-1997	03-06-1997	09-28-2018	Remain in Effect without Amendment
011 KAR 014:010	10-01-1998	11-05-2001	09-28-2018	Remain in Effect without Amendment
011 KAR 014:020	10-01-1998	10-01-1998	09-28-2018	Remain in Effect without Amendment
011 KAR 014:030	10-01-1998	03-10-2000	09-28-2018	Remain in Effect without Amendment
011 KAR 014:040	10-01-1998	08-15-2001	09-28-2018	Remain in Effect without Amendment
011 KAR 014:050	10-01-1998	10-01-1998	09-28-2018	Remain in Effect without Amendment
011 KAR 014:060	10-01-1998	01-05-2009	09-28-2018	Remain in Effect without Amendment
011 KAR 014:070	10-01-1998	11-05-2001	09-28-2018	Remain in Effect without Amendment
011 KAR 014:080	10-01-1998	01-05-2009	09-28-2018	Remain in Effect without Amendment
011 KAR 015:010	10-01-1998	07-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 015:020	10-01-1998	01-28-2014	09-28-2018	Remain in Effect without Amendment
011 KAR 015:030	10-01-1998	12-21-2000	09-28-2018	Remain in Effect without Amendment
011 KAR 015:040	10-01-1998	09-09-2013	09-28-2018	Remain in Effect without Amendment
011 KAR 015:050	10-01-1998	12-21-2000	09-28-2018	Remain in Effect without Amendment
011 KAR 015:060	10-01-1998	02-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 015:070	10-01-1998	12-21-2000	09-28-2018	Remain in Effect without Amendment
011 KAR 015:080	09-09-2002	09-09-2002	09-28-2018	Remain in Effect without Amendment
011 KAR 015:090	03-01-1999	03-09-2018	09-28-2018	Remain in Effect without Amendment
011 KAR 015:100	10-12-2015	10-12-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 016:001	02-05-2001	09-09-2013	09-28-2018	Remain in Effect without Amendment
011 KAR 016:010	02-05-2001	09-09-2013	09-28-2018	Remain in Effect without Amendment
011 KAR 016:020	02-05-2001	02-05-2001	09-28-2018	Remain in Effect without Amendment
011 KAR 016:030	02-05-2001	02-05-2001	09-28-2018	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
011 KAR 016:040	02-05-2001	09-09-2013	09-28-2018	Remain in Effect without Amendment
011 KAR 016:050	02-05-2001	09-09-2013	09-28-2018	Remain in Effect without Amendment
011 KAR 016:060	02-05-2001	10-12-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 016:070	07-06-2007	07-06-2007	09-28-2018	Remain in Effect without Amendment
011 KAR 017:010	12-01-2003	11-05-2004	09-28-2018	Remain in Effect without Amendment
011 KAR 017:040	12-01-2003	01-04-2005	09-28-2018	Remain in Effect without Amendment
011 KAR 017:050	12-01-2003	12-01-2003	09-28-2018	Remain in Effect without Amendment
011 KAR 017:060	12-01-2003	12-01-2003	09-28-2018	Remain in Effect without Amendment
011 KAR 017:070	12-01-2003	12-01-2003	09-28-2018	Remain in Effect without Amendment
011 KAR 017:080	12-01-2003	12-01-2003	09-28-2018	Remain in Effect without Amendment
011 KAR 017:090	12-01-2003	12-01-2003	09-28-2018	Remain in Effect without Amendment
011 KAR 017:100	12-01-2003	11-05-2004	09-28-2018	Remain in Effect without Amendment
011 KAR 017:110	12-01-2003	12-01-2003	09-28-2018	Remain in Effect without Amendment
011 KAR 019:010	04-01-2011	02-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 019:020	04-01-2011	04-01-2011	09-28-2018	Remain in Effect without Amendment
011 KAR 019:030	04-01-2011	04-01-2011	09-28-2018	Remain in Effect without Amendment
011 KAR 020:001	02-06-2015	02-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 020:010	02-06-2015	02-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 020:020	02-06-2015	02-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 020:030	02-06-2015	02-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 020:040	02-06-2015	02-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 020:050	02-06-2015	02-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 020:060	02-06-2015	02-06-2015	09-28-2018	Remain in Effect without Amendment
011 KAR 020:070	02-06-2015	02-06-2015	09-28-2018	Remain in Effect without Amendment
031 KAR 002:010	12-01-1982	03-05-2010	03-06-2019	Remain in Effect without Amendment
031 KAR 002:020	03-05-2010	03-05-2010	03-06-2019	Remain in Effect without Amendment
031 KAR 003:020	03-02-2012	03-02-2012	03-06-2019	Remain in Effect without Amendment
031 KAR 004:020	12-07-1990	04-02-2010	03-06-2019	Remain in Effect without Amendment
031 KAR 004:030	12-07-1990	04-02-2010	03-06-2019	Remain in Effect without Amendment
031 KAR 004:050	12-07-1990	12-07-1990	03-06-2019	Remain in Effect without Amendment
031 KAR 004:080	01-09-1995	01-09-1995	03-06-2019	Remain in Effect without Amendment
031 KAR 004:090	02-08-1995	02-08-1995	03-06-2019	Remain in Effect without Amendment
031 KAR 004:110	07-26-1995	07-26-1995	03-06-2019	Remain in Effect without Amendment
031 KAR 004:150	11-15-2005	11-15-2005	03-06-2019	Remain in Effect without Amendment
031 KAR 004:160	07-26-2006	07-26-2006	03-06-2019	Remain in Effect without Amendment
031 KAR 006:010	04-12-2004	06-04-2010	03-06-2019	Remain in Effect without Amendment
031 KAR 006:030	02-03-2006	07-01-2011	03-06-2019	Remain in Effect without Amendment
031 KAR 006:040	06-06-2008	06-06-2008	03-06-2019	Remain in Effect without Amendment
103 KAR 017:120	01-05-2007	01-05-2007	11-06-2018	Remain in Effect without Amendment
103 KAR 018:010	02-05-1975	02-05-1975	11-06-2018	Remain in Effect without Amendment
103 KAR 018:060	02-05-1975	02-05-1975	11-06-2018	Remain in Effect without Amendment
103 KAR 018:172	01-05-2007	01-05-2007	11-06-2018	Remain in Effect without Amendment
105 KAR 001:020	05-14-1975	11-05-2004	03-05-2019	Remain in Effect without Amendment
105 KAR 001:070	11-08-1991	11-08-1991	03-05-2019	Remain in Effect without Amendment
105 KAR 001:120	11-08-1991	11-12-2002	03-05-2019	Remain in Effect without Amendment
105 KAR 001:215	11-08-1991	11-12-2002	03-05-2019	Remain in Effect without Amendment
105 KAR 001:300	03-19-2001	11-12-2002	03-05-2019	Remain in Effect without Amendment
105 KAR 001:320	12-19-2001	12-19-2001	03-05-2019	Remain in Effect without Amendment
105 KAR 001:340	12-19-2001	11-12-2002	03-05-2019	Remain in Effect without Amendment
105 KAR 001:345	02-06-2009	02-06-2009	03-05-2019	Remain in Effect without Amendment
105 KAR 001:350	11-12-2002	11-12-2002	03-05-2019	Remain in Effect without Amendment
105 KAR 001:380	01-05-2004	02-06-2009	03-05-2019	Remain in Effect without Amendment
200 KAR 014:091	10-22-1992	01-14-2013	05-10-2019	Remain in Effect without Amendment
200 KAR 021:010	03-22-1985	09-28-2011	04-08-2019	Remain in Effect without Amendment
200 KAR 021:020	03-22-1995	03-22-1995	04-08-2019	Remain in Effect without Amendment
200 KAR 021:040	03-22-1995	03-22-1995	04-08-2019	Remain in Effect without Amendment
200 KAR 021:050	03-22-1995	03-22-1995	04-08-2019	Remain in Effect without Amendment
200 KAR 023:010	10-22-1997	10-22-1997	04-08-2019	Remain in Effect without Amendment
201 KAR 001:020	06-11-1975	06-07-1992	04-09-2019	Remain in Effect without Amendment
201 KAR 001:160	07-05-1996	01-06-2012	04-09-2019	Remain in Effect without Amendment
201 KAR 001:180	04-15-2002	04-15-2002	04-09-2019	Remain in Effect without Amendment
201 KAR 002:010	01-04-1978	10-20-1999	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:070	09-11-1974	09-11-1974	04-17-2019	Remain in Effect without Amendment
201 KAR 002:090	12-11-1974	02-07-2002	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:095	09-10-1975	12-15-1999	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:100	09-10-1975	06-04-1985	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:105	08-11-1982	02-18-2009	04-17-2019	To be amended, filing deadline 10-17-20

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
201 KAR 002:106	04-12-1990	06-18-1997	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:116	05-13-1990	04-05-1991	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:160	12-01-1982	12-01-1982	04-17-2019	Remain in Effect without Amendment
201 KAR 002:165	06-01-1983	02-04-2011	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:170	06-01-1983	01-18-2012	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:175	06-01-1983	01-12-1990	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:180	02-01-1984	02-01-1984	04-17-2019	Remain in Effect without Amendment
201 KAR 002:185	02-01-1984	05-19-1999	04-17-2019	Remain in Effect without Amendment
201 KAR 002:190	02-01-1984	01-12-1990	04-17-2019	Remain in Effect without Amendment
201 KAR 002:210	02-17-1993	02-17-1993	04-17-2019	Remain in Effect without Amendment
201 KAR 002:215	01-27-1993	01-27-1993	04-17-2019	Remain in Effect without Amendment
201 KAR 002:225	07-16-1997	07-16-1997	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:230	06-12-2000	03-11-2009	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:240	09-11-2000	09-11-2000	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:250	07-02-2002	08-16-2007	04-17-2019	Remain in Effect without Amendment
201 KAR 002:260	06-20-2007	06-20-2007	04-17-2019	Remain in Effect without Amendment
201 KAR 002:270	04-11-2003	04-11-2003	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:280	04-11-2003	04-11-2003	04-17-2019	Remain in Effect without Amendment
201 KAR 002:300	06-06-2008	06-06-2008	04-17-2019	Remain in Effect without Amendment
201 KAR 002:310	03-11-2009	03-11-2009	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:320	10-21-2009	10-21-2009	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 002:330	10-20-2010	10-20-2010	04-17-2019	Remain in Effect without Amendment
201 KAR 002:340	09-19-2012	09-19-2012	04-17-2019	To be amended, filing deadline 10-17-20
201 KAR 005:037	11-07-1979	01-15-2003	01-23-2019	To be amended, filing deadline 07-23-20
201 KAR 005:040	07-02-1975	02-14-2008	01-23-2019	To be amended, filing deadline 07-23-20
201 KAR 005:050	07-02-1975	08-15-2001	01-23-2019	Remain in Effect without Amendment
201 KAR 005:100	02-16-2004	02-16-2004	01-23-2019	To be amended, filing deadline 07-23-20
201 KAR 005:120	06-05-2009	06-05-2009	01-23-2019	Remain in Effect without Amendment
201 KAR 008:510	02-04-2011	02-04-2011	04-08-2019	Remain in Effect without Amendment
201 KAR 008:540	02-04-2011	02-01-2013	04-18-2019	To be amended, filing deadline 10-18-20
201 KAR 008:581	05-06-2011	05-06-2011	04-08-2019	To Be Amended. Amendment filed 04-15-19.
201 KAR 009:021	10-09-1984	05-05-2006	03-29-2018	To Be Amended. Amendment filed 04-12-18, effective 7-18-2018.
201 KAR 009:023	10-09-1984	03-14-1994	03-29-2018	Remain in Effect without Amendment
201 KAR 009:024	10-09-1984	10-09-1984	03-29-2018	Remain in Effect without Amendment
201 KAR 009:031	10-09-1984	05-05-2006	03-29-2018	To Be Amended. Amendment filed 04-12-18, effective 7-18-2018.
201 KAR 009:041	10-09-1984	11-15-2006	09-28-2018	Remain in Effect without Amendment
201 KAR 009:051	10-09-1984	03-14-1994	07-06-2018	Remain in Effect without Amendment
201 KAR 009:061	10-09-1984	03-14-1994	07-06-2018	Remain in Effect without Amendment
201 KAR 009:071	10-09-1984	10-09-1984	07-07-2018	Remain in Effect without Amendment
201 KAR 009:082	10-09-1984	10-09-1984	12-20-2018	Remain in Effect without Amendment
201 KAR 009:084	11-11-1986	02-02-2007	09-28-2018	Remain in Effect without Amendment
201 KAR 009:350	11-19-2003	11-19-2003	12-20-2018	Remain in Effect without Amendment
201 KAR 009:400	02-02-2007	02-02-2007	09-28-2018	Remain in Effect without Amendment
201 KAR 014:010	05-14-1975	05-14-1975	03-12-2019	Remain in Effect without Amendment
201 KAR 014:035	05-14-1975	05-14-1975	03-12-2019	To be amended, filing deadline 09-12-20
201 KAR 014:067	06-11-1975	02-01-1984	03-12-2019	To be amended, filing deadline 09-12-20
201 KAR 014:070	05-14-1975	02-01-1984	03-12-2019	To be amended, filing deadline 09-12-20
201 KAR 014:095	05-14-1975	05-14-1975	03-12-2019	To be amended, filing deadline 09-12-20
201 KAR 014:100	05-14-1975	11-29-1990	03-12-2019	To be amended, filing deadline 09-12-20
201 KAR 014:105	06-11-1975	01-04-2013	03-12-2019	To be amended, filing deadline 09-12-20
201 KAR 014:130	05-14-1975	11-29-1990	03-12-2019	To be amended, filing deadline 09-12-20
201 KAR 014:135	05-14-1975	05-14-1975	03-12-2019	To be amended, filing deadline 09-12-20
201 KAR 014:140	05-14-1975	11-29-1990	03-12-2019	To be amended, filing deadline 09-12-20
201 KAR 020:163	05-04-2007	07-15-2010	05-10-2019	Remain in Effect without Amendment
201 KAR 020:230	09-08-1982	10-17-2012	05-10-2019	Remain in Effect without Amendment
201 KAR 020:410	09-20-1995	02-15-2012	05-10-2019	Remain in Effect without Amendment
201 KAR 020:510	08-18-2010	08-15-2012	05-10-2019	Remain in Effect without Amendment
201 KAR 022:001	09-10-1975	06-06-2014	06-04-2018	Remain in Effect without Amendment
201 KAR 022:010	09-11-1975	12-02-1986	06-04-2018	Remain in Effect without Amendment
201 KAR 022:035	11-06-1980	05-31-2013	06-04-2018	Remain in Effect without Amendment
201 KAR 022:045	01-04-2005	10-19-2016	06-04-2018	Remain in Effect without Amendment
201 KAR 022:052	06-03-1981	01-04-2005	06-04-2018	Remain in Effect without Amendment
201 KAR 022:053	08-17-1990	06-02-2017	06-04-2018	Remain in Effect without Amendment
201 KAR 022:130	01-06-1983	09-18-2013	06-04-2018	Remain in Effect without Amendment
201 KAR 022:135	07-02-1987	07-21-2010	06-04-2018	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
201 KAR 022:140	07-03-1987	11-15-2006	06-04-2018	Remain in Effect without Amendment
201 KAR 022:150	12-19-2001	01-04-2005	06-04-2018	Remain in Effect without Amendment
201 KAR 022:160	08-01-2014	08-01-2014	06-04-2018	Remain in Effect without Amendment
202 KAR 007:010	03-14-2002	11-19-2003	02-19-2019	Remain in Effect without Amendment
202 KAR 007:020	11-19-2003	11-19-2003	02-19-2019	Remain in Effect without Amendment
202 KAR 007:030	09-10-2001	01-05-2009	02-19-2019	Remain in Effect without Amendment
202 KAR 007:055	11-19-2003	11-19-2003	02-19-2019	Remain in Effect without Amendment
202 KAR 007:201	11-19-2003	11-19-2003	02-19-2019	Remain in Effect without Amendment
202 KAR 007:301	11-19-2003	11-19-2003	02-19-2019	Remain in Effect without Amendment
202 KAR 007:401	11-19-2003	11-19-2003	02-19-2019	Remain in Effect without Amendment
202 KAR 007:510	11-19-2003	12-05-2008	02-19-2019	Remain in Effect without Amendment
202 KAR 007:601	11-19-2003	10-17-2012	02-19-2019	Remain in Effect without Amendment
202 KAR 007:801	11-19-2003	11-19-2003	02-19-2019	Remain in Effect without Amendment
302 KAR 016:040	09-11-1984	06-05-2009	01-24-2019	Remain in Effect without Amendment
302 KAR 016:070	03-13-1991	06-05-2009	01-24-2019	Remain in Effect without Amendment
302 KAR 016:101	06-05-2009	06-05-2009	01-24-2019	Remain in Effect without Amendment
302 KAR 016:111	06-05-2009	06-05-2009	01-24-2019	Remain in Effect without Amendment
302 KAR 016:121	06-05-2009	06-05-2009	01-24-2019	Remain in Effect without Amendment
302 KAR 016:131	06-05-2009	06-05-2009	01-24-2019	Remain in Effect without Amendment
302 KAR 016:140	06-05-2009	06-05-2009	01-24-2019	Remain in Effect without Amendment
302 KAR 029:070	12-19-2001	12-19-2001	12-05-2018	Remain in Effect without Amendment
302 KAR 100:030	08-28-2009	08-28-2009	12-10-2018	Remain in Effect without Amendment
400 KAR 001:060	05-14-1987	05-14-1987	08-06-2018	Remain in Effect without Amendment
400 KAR 001:120	02-22-1995	08-04-2017	08-06-2018	Remain in Effect without Amendment
400 KAR 004:100	01-05-1977	10-26-1988	11-06-2018	Remain in Effect without Amendment
401 KAR 004:010	02-05-1975	08-25-2005	07-30-2018	Remain in Effect without Amendment
401 KAR 004:020	07-06-1977	07-06-1977	07-30-2018	Remain in Effect without Amendment
401 KAR 004:030	06-11-1975	06-11-1975	07-30-2018	Remain in Effect without Amendment
401 KAR 004:040	06-11-1975	06-11-1975	07-30-2018	Remain in Effect without Amendment
401 KAR 004:050	11-06-1980	11-06-1980	07-30-2018	Remain in Effect without Amendment
401 KAR 004:060	10-02-1987	03-09-2007	07-30-2018	Remain in Effect without Amendment
401 KAR 004:070	05-05-2017	05-05-2017	07-30-2018	Remain in Effect without Amendment
401 KAR 004:200	08-07-1984	08-07-1984	07-30-2018	Remain in Effect without Amendment
401 KAR 004:220	06-26-1991	06-26-1991	07-30-2018	Remain in Effect without Amendment
401 KAR 004:300	04-28-1993	04-28-1993	07-30-2018	Remain in Effect without Amendment
401 KAR 005:010	05-07-1980	03-06-2009	05-11-2018	Remain in Effect without Amendment
401 KAR 005:090	08-03-1983	09-04-1986	05-11-2018	Remain in Effect without Amendment
401 KAR 005:310	11-17-2009	11-17-2009	05-11-2018	Remain in Effect without Amendment
401 KAR 006:001	10-08-2008	10-08-2008	09-05-2018	Remain in Effect without Amendment
401 KAR 006:200	08-07-1984	08-07-1984	09-05-2018	Remain in Effect without Amendment
401 KAR 006:310	08-13-1985	10-08-2008	09-05-2018	Remain in Effect without Amendment
401 KAR 006:320	11-15-1990	10-08-2008	09-05-2018	Remain in Effect without Amendment
401 KAR 006:350	10-08-2008	10-08-2008	09-05-2018	Remain in Effect without Amendment
401 KAR 008:010	11-15-1990	09-08-2017	10-03-2018	Remain in Effect without Amendment
401 KAR 008:020	11-15-1990	09-08-2017	10-03-2018	Remain in Effect without Amendment
401 KAR 008:022	03-18-2002	09-25-2009	10-03-2018	Remain in Effect without Amendment
401 KAR 008:030	11-15-1990	02-05-2010	10-03-2018	Remain in Effect without Amendment
401 KAR 008:040	11-15-1990	09-08-2017	10-03-2018	Remain in Effect without Amendment
401 KAR 008:050	11-15-1990	07-06-2009	10-03-2018	Remain in Effect without Amendment
401 KAR 008:075	04-09-2001	09-08-2017	10-03-2018	Remain in Effect without Amendment
401 KAR 008:100	11-15-1990	09-08-2017	10-03-2018	Remain in Effect without Amendment
401 KAR 008:150	11-15-1990	08-05-2010	10-03-2018	Remain in Effect without Amendment
401 KAR 008:200	11-15-1990	12-05-2014	10-03-2018	Remain in Effect without Amendment
401 KAR 008:250	11-15-1990	09-08-2017	10-03-2018	Remain in Effect without Amendment
401 KAR 008:300	11-15-1990	12-05-2014	10-03-2018	Remain in Effect without Amendment
401 KAR 008:700	11-15-1990	12-05-2014	10-03-2018	Remain in Effect without Amendment
401 KAR 009:010	08-21-2008	08-21-2008	09-05-2018	Remain in Effect without Amendment
401 KAR 009:020	10-08-2008	10-08-2008	09-05-2018	Remain in Effect without Amendment
401 KAR 011:001	03-06-2009	02-05-2010	11-01-2018	Remain in Effect without Amendment
401 KAR 011:010	03-06-2009	02-05-2010	11-01-2018	Remain in Effect without Amendment
401 KAR 011:020	03-06-2009	02-05-2010	11-01-2018	Remain in Effect without Amendment
401 KAR 011:030	03-06-2009	08-05-2010	11-01-2018	Remain in Effect without Amendment
401 KAR 011:040	02-05-2010	02-05-2010	11-01-2018	Remain in Effect without Amendment
401 KAR 011:050	03-06-2009	02-05-2010	11-01-2018	Remain in Effect without Amendment
401 KAR 011:060	03-06-2009	03-06-2009	11-01-2018	Remain in Effect without Amendment
401 KAR 030:005	03-12-1997	06-13-2007	09-05-2018	Remain in Effect without Amendment
401 KAR 030:020	06-04-1980	06-13-2007	09-05-2018	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
401 KAR 030:031	06-24-1992	03-12-1997	09-05-2018	Remain in Effect without Amendment
401 KAR 030:040	06-04-1980	06-13-2007	09-05-2018	Remain in Effect without Amendment
401 KAR 039:005	03-12-1997	12-07-2017	09-05-2018	Remain in Effect without Amendment
401 KAR 039:060	12-02-1983	12-07-2017	09-05-2018	Remain in Effect without Amendment
401 KAR 039:080	02-04-1986	12-07-2017	09-05-2018	Remain in Effect without Amendment
401 KAR 039:090	03-10-1988	12-07-2017	09-05-2018	Remain in Effect without Amendment
401 KAR 039:120	10-26-1988	12-07-2017	09-05-2018	Remain in Effect without Amendment
401 KAR 040:001	03-12-1997	03-12-1997	10-09-2018	Remain in Effect without Amendment
401 KAR 040:010	06-04-1980	12-02-1983	10-09-2018	Remain in Effect without Amendment
401 KAR 040:020	06-04-1980	12-02-1983	10-09-2018	Remain in Effect without Amendment
401 KAR 040:040	06-04-1980	12-02-1983	10-09-2018	Remain in Effect without Amendment
401 KAR 040:060	05-08-1990	05-08-1990	10-09-2018	Remain in Effect without Amendment
401 KAR 042:005	11-14-1995	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:011	12-19-1990	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:020	12-19-1990	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:030	12-19-1990	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:040	12-19-1990	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:045	12-19-1990	02-05-2016	10-09-2018	Remain in Effect without Amendment
401 KAR 042:050	12-19-1990	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:060	12-19-1990	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:070	12-19-1990	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:080	11-14-1995	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:090	12-19-1990	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:095	10-06-2011	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:200	09-25-1990	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:250	09-13-2006	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:290	03-12-1993	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:300	03-12-1993	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:316	05-19-1999	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:320	03-12-1993	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:330	07-09-1997	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:335	06-09-1999	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 042:340	06-09-1999	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 045:010	06-24-1992	05-05-2017	09-05-2018	Remain in Effect without Amendment
401 KAR 045:020	06-24-1992	06-24-1992	09-05-2018	Remain in Effect without Amendment
401 KAR 045:025	04-28-1993	04-28-1993	09-05-2018	Remain in Effect without Amendment
401 KAR 045:030	06-24-1992	06-24-1992	09-05-2018	Remain in Effect without Amendment
401 KAR 045:040	06-24-1992	06-24-1992	09-05-2018	Remain in Effect without Amendment
401 KAR 045:050	06-24-1992	06-24-1992	09-05-2018	Remain in Effect without Amendment
401 KAR 045:060	06-24-1992	12-07-2017	09-05-2018	Remain in Effect without Amendment
401 KAR 045:070	06-24-1992	05-05-2006	09-05-2018	Remain in Effect without Amendment
401 KAR 045:080	06-24-1992	06-24-1992	09-05-2018	Remain in Effect without Amendment
401 KAR 045:090	06-24-1992	06-24-1992	09-05-2018	Remain in Effect without Amendment
401 KAR 045:100	06-24-1992	06-24-1992	09-05-2018	Remain in Effect without Amendment
401 KAR 045:110	06-24-1992	06-24-1992	09-05-2018	Remain in Effect without Amendment
401 KAR 045:130	06-24-1992	06-24-1992	09-05-2018	Remain in Effect without Amendment
401 KAR 045:135	06-24-1992	06-24-1992	09-05-2018	Remain in Effect without Amendment
401 KAR 045:140	06-24-1992	06-24-1992	09-05-2018	Remain in Effect without Amendment
401 KAR 045:160	06-24-1992	06-24-1992	09-05-2018	Remain in Effect without Amendment
401 KAR 045:210	06-24-1992	06-24-1992	09-05-2018	Remain in Effect without Amendment
401 KAR 045:250	06-24-1992	06-24-1992	09-05-2018	Remain in Effect without Amendment
401 KAR 046:101	05-05-2017	05-05-2017	09-05-2018	Remain in Effect without Amendment
401 KAR 046:110	05-05-2017	05-05-2017	09-05-2018	Remain in Effect without Amendment
401 KAR 046:120	05-05-2017	05-05-2017	09-05-2018	Remain in Effect without Amendment
401 KAR 047:005	03-12-1997	03-12-1997	10-09-2018	Remain in Effect without Amendment
401 KAR 047:025	04-28-1993	04-28-1993	10-09-2018	Remain in Effect without Amendment
401 KAR 047:030	05-08-1990	03-18-2004	10-09-2018	Remain in Effect without Amendment
401 KAR 047:070	02-01-1982	05-08-1990	10-09-2018	Remain in Effect without Amendment
401 KAR 047:080	05-08-1990	05-08-1990	10-09-2018	Remain in Effect without Amendment
401 KAR 047:090	05-08-1990	08-05-2010	10-09-2018	Remain in Effect without Amendment
401 KAR 047:095	03-19-2003	03-19-2003	10-09-2018	Remain in Effect without Amendment
401 KAR 047:100	05-08-1990	05-08-1990	10-09-2018	Remain in Effect without Amendment
401 KAR 047:110	09-08-1999	09-08-1999	10-09-2018	Remain in Effect without Amendment
401 KAR 047:120	05-08-1990	05-08-1990	10-09-2018	Remain in Effect without Amendment
401 KAR 047:130	05-08-1990	05-08-1990	10-09-2018	Remain in Effect without Amendment
401 KAR 047:136	03-13-1991	03-13-1991	10-09-2018	Remain in Effect without Amendment
401 KAR 047:140	05-08-1990	05-08-1990	10-09-2018	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
401 KAR 047:150	05-08-1990	05-08-1990	10-09-2018	Remain in Effect without Amendment
401 KAR 047:160	05-08-1990	05-08-1990	10-09-2018	Remain in Effect without Amendment
401 KAR 047:170	05-08-1990	05-08-1990	10-09-2018	Remain in Effect without Amendment
401 KAR 047:180	05-08-1990	05-08-1990	10-09-2018	Remain in Effect without Amendment
401 KAR 047:190	05-08-1990	05-08-1990	10-09-2018	Remain in Effect without Amendment
401 KAR 047:205	10-06-2011	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 047:207	10-06-2011	10-06-2011	10-09-2018	Remain in Effect without Amendment
401 KAR 048:005	11-07-1994	12-07-2017	08-13-2018	Remain in Effect without Amendment
401 KAR 048:050	05-08-1990	11-07-1994	08-13-2018	Remain in Effect without Amendment
401 KAR 048:060	05-08-1990	05-08-1990	08-13-2018	Remain in Effect without Amendment
401 KAR 048:070	05-08-1990	05-08-1990	08-13-2018	Remain in Effect without Amendment
401 KAR 048:080	05-08-1990	05-08-1990	08-13-2018	Remain in Effect without Amendment
401 KAR 048:090	05-08-1990	12-07-2017	08-13-2018	Remain in Effect without Amendment
401 KAR 048:170	05-08-1990	05-08-1990	08-13-2018	Remain in Effect without Amendment
401 KAR 048:200	05-08-1990	05-08-1990	08-13-2018	Remain in Effect without Amendment
401 KAR 048:205	10-06-2011	10-06-2011	08-13-2018	Remain in Effect without Amendment
401 KAR 048:206	10-06-2011	10-06-2011	08-13-2018	Remain in Effect without Amendment
401 KAR 048:207	10-06-2011	10-06-2011	08-13-2018	Remain in Effect without Amendment
401 KAR 048:208	10-06-2011	10-06-2011	08-13-2018	Remain in Effect without Amendment
401 KAR 048:300	05-08-1990	11-07-1994	08-13-2018	Remain in Effect without Amendment
401 KAR 048:310	05-08-1990	11-07-1994	08-13-2018	Remain in Effect without Amendment
401 KAR 048:320	09-08-1999	09-08-1999	08-13-2018	Remain in Effect without Amendment
401 KAR 049:005	03-12-1997	03-12-1997	09-05-2018	Remain in Effect without Amendment
401 KAR 049:011	09-23-1992	09-08-2017	09-05-2018	Remain in Effect without Amendment
401 KAR 049:080	01-21-2005	09-08-2017	09-05-2018	Remain in Effect without Amendment
401 KAR 049:100	03-12-1993	03-12-1993	09-05-2018	Remain in Effect without Amendment
401 KAR 050:010	06-06-1979	11-08-2006	11-21-2018	Remain in Effect without Amendment
401 KAR 050:012	06-06-1979	11-12-1997	11-21-2018	Remain in Effect without Amendment
401 KAR 050:015	06-06-1979	10-26-1988	11-21-2018	Remain in Effect without Amendment
401 KAR 050:020	06-06-1979	06-06-1979	11-21-2018	Remain in Effect without Amendment
401 KAR 050:025	06-06-1979	06-01-1983	11-21-2018	Remain in Effect without Amendment
401 KAR 050:038	11-29-1993	04-12-1995	11-21-2018	Remain in Effect without Amendment
401 KAR 050:040	06-06-1979	03-01-1984	11-21-2018	Remain in Effect without Amendment
401 KAR 050:042	06-10-1986	06-10-1986	11-21-2018	Remain in Effect without Amendment
401 KAR 050:045	06-06-1979	07-13-2005	11-21-2018	Remain in Effect without Amendment
401 KAR 050:047	06-24-1992	06-24-1992	11-21-2018	Remain in Effect without Amendment
401 KAR 050:050	06-06-1979	06-06-1979	11-21-2018	Remain in Effect without Amendment
401 KAR 050:055	06-06-1979	09-22-1982	11-21-2018	Remain in Effect without Amendment
401 KAR 050:060	06-06-1979	06-06-1979	11-21-2018	Remain in Effect without Amendment
401 KAR 050:065	10-11-1995	10-11-1995	11-21-2018	Remain in Effect without Amendment
401 KAR 050:066	11-12-1997	11-12-2008	11-21-2018	Remain in Effect without Amendment
401 KAR 051:001	06-24-1992	12-07-2012	07-30-2018	Remain in Effect without Amendment
401 KAR 051:005	06-06-1979	06-06-1979	07-30-2018	Remain in Effect without Amendment
401 KAR 051:017	09-22-1982	12-07-2012	07-30-2018	Remain in Effect without Amendment
401 KAR 051:052	09-22-1982	12-07-2012	07-30-2018	Remain in Effect without Amendment
401 KAR 051:150	02-03-2006	02-03-2006	07-30-2018	Remain in Effect without Amendment
401 KAR 051:160	08-15-2001	02-03-2006	07-30-2018	Remain in Effect without Amendment
401 KAR 051:170	08-15-2001	08-15-2001	07-30-2018	Remain in Effect without Amendment
401 KAR 051:180	08-15-2001	08-15-2001	07-30-2018	Remain in Effect without Amendment
401 KAR 051:190	08-15-2001	08-15-2001	07-30-2018	Remain in Effect without Amendment
401 KAR 051:195	08-15-2001	08-15-2001	07-30-2018	Remain in Effect without Amendment
401 KAR 051:210	02-02-2007	02-02-2007	07-30-2018	Remain in Effect without Amendment
401 KAR 051:220	02-02-2007	06-13-2007	07-30-2018	Remain in Effect without Amendment
401 KAR 051:230	02-02-2007	02-02-2007	07-30-2018	Remain in Effect without Amendment
401 KAR 052:001	01-15-2001	01-03-2011	09-12-2018	Remain in Effect without Amendment
401 KAR 052:020	01-15-2001	01-15-2001	09-12-2018	Remain in Effect without Amendment
401 KAR 052:030	01-15-2001	01-15-2001	09-12-2018	Remain in Effect without Amendment
401 KAR 052:040	01-15-2001	01-15-2001	09-12-2018	Remain in Effect without Amendment
401 KAR 052:060	01-15-2001	01-15-2001	09-12-2018	Remain in Effect without Amendment
401 KAR 052:090	01-15-2001	01-15-2001	09-12-2018	Remain in Effect without Amendment
401 KAR 052:100	01-15-2001	01-15-2001	09-12-2018	To be amended, filing deadline 03-12-20
401 KAR 053:005	06-06-1979	04-14-1988	09-12-2018	Remain in Effect without Amendment
401 KAR 053:010	06-06-1979	07-19-2016	09-12-2018	Remain in Effect without Amendment
401 KAR 055:005	06-06-1979	04-14-1988	09-12-2018	Remain in Effect without Amendment
401 KAR 055:010	06-06-1979	04-14-1988	09-12-2018	Remain in Effect without Amendment
401 KAR 055:015	06-06-1979	06-06-1979	09-12-2018	Remain in Effect without Amendment
401 KAR 055:020	06-06-1979	06-06-1979	09-12-2018	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
401 KAR 057:002	07-14-1999	11-14-2007	09-12-2018	Remain in Effect without Amendment
401 KAR 058:005	01-25-1989	07-07-1998	07-30-2018	To be amended, filing deadline 01-03-20
401 KAR 058:010	01-25-1989	01-25-1989	07-30-2018	Remain in Effect without Amendment
401 KAR 058:025	01-07-1985	11-14-2007	07-30-2018	Remain in Effect without Amendment
401 KAR 058:040	11-06-1987	11-06-1987	07-30-2018	Remain in Effect without Amendment
401 KAR 059:001	06-24-1992	11-08-2006	11-21-2018	Remain in Effect without Amendment
401 KAR 059:005	06-06-1979	12-01-1982	11-21-2018	Remain in Effect without Amendment
401 KAR 059:010	06-06-1979	04-14-1988	11-21-2018	Remain in Effect without Amendment
401 KAR 059:020	06-06-1979	11-21-2018	11-21-2018	Remain in Effect without Amendment
401 KAR 059:021	11-15-1990	11-15-1990	11-21-2018	Remain in Effect without Amendment
401 KAR 059:023	11-15-1990	11-15-1990	11-21-2018	Remain in Effect without Amendment
401 KAR 059:046	06-29-1979	06-29-1979	11-21-2018	Remain in Effect without Amendment
401 KAR 059:050	06-29-1979	04-14-1988	11-21-2018	Remain in Effect without Amendment
401 KAR 059:080	06-06-1979	06-06-1979	11-21-2018	Remain in Effect without Amendment
401 KAR 059:085	06-06-1979	06-06-1979	11-21-2018	Remain in Effect without Amendment
401 KAR 059:090	06-06-1979	06-06-1979	11-21-2018	Remain in Effect without Amendment
401 KAR 059:095	06-29-1979	06-29-1979	11-21-2018	Remain in Effect without Amendment
401 KAR 059:101	06-29-1979	09-28-1994	11-21-2018	Remain in Effect without Amendment
401 KAR 059:105	06-06-1979	04-07-1982	11-21-2018	Remain in Effect without Amendment
401 KAR 059:174	01-12-1998	03-04-2016	11-21-2018	Remain in Effect without Amendment
401 KAR 059:175	06-06-1979	02-08-1993	11-21-2018	Remain in Effect without Amendment
401 KAR 059:185	06-29-1979	01-04-2005	11-21-2018	Remain in Effect without Amendment
401 KAR 059:190	06-29-1979	06-24-1992	11-21-2018	Remain in Effect without Amendment
401 KAR 059:210	06-29-1979	06-24-1992	11-21-2018	Remain in Effect without Amendment
401 KAR 059:212	02-04-1981	06-24-1992	11-21-2018	Remain in Effect without Amendment
401 KAR 059:214	02-04-1981	06-24-1992	11-21-2018	Remain in Effect without Amendment
401 KAR 059:225	02-04-1981	06-24-1992	11-21-2018	Remain in Effect without Amendment
401 KAR 059:230	02-04-1981	06-24-1992	11-21-2018	Remain in Effect without Amendment
401 KAR 059:240	02-04-1981	06-24-1992	11-21-2018	Remain in Effect without Amendment
401 KAR 059:260	03-02-1983	04-01-1984	11-21-2018	Remain in Effect without Amendment
401 KAR 059:315	06-24-1992	06-24-1992	11-21-2018	Remain in Effect without Amendment
401 KAR 059:760	03-11-2005	03-11-2005	11-21-2018	Remain in Effect without Amendment
401 KAR 061:001	06-24-1992	11-08-2006	01-25-2019	Remain in Effect without Amendment
401 KAR 061:005	06-29-1979	04-03-2009	01-25-2019	Remain in Effect without Amendment
401 KAR 061:010	06-06-1979	06-06-1979	01-25-2019	Remain in Effect without Amendment
401 KAR 061:011	11-15-1990	11-15-1990	01-25-2019	Remain in Effect without Amendment
401 KAR 061:013	02-07-1991	02-07-1991	01-25-2019	Remain in Effect without Amendment
401 KAR 061:020	06-06-1979	04-14-1988	01-25-2019	Remain in Effect without Amendment
401 KAR 061:025	06-06-1979	06-06-1979	01-25-2019	Remain in Effect without Amendment
401 KAR 061:030	06-06-1979	06-06-1979	01-25-2019	Remain in Effect without Amendment
401 KAR 061:035	06-06-1979	04-07-1982	01-25-2019	Remain in Effect without Amendment
401 KAR 061:036	04-13-1998	04-13-1998	01-25-2019	Remain in Effect without Amendment
401 KAR 061:040	06-06-1979	06-06-1979	01-25-2019	Remain in Effect without Amendment
401 KAR 061:045	06-29-1979	06-29-1979	01-25-2019	Remain in Effect without Amendment
401 KAR 061:050	06-29-1979	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:055	06-29-1979	08-24-1982	01-25-2019	Remain in Effect without Amendment
401 KAR 061:056	06-29-1979	09-28-1994	01-25-2019	Remain in Effect without Amendment
401 KAR 061:060	06-29-1979	06-29-1979	01-25-2019	Remain in Effect without Amendment
401 KAR 061:065	06-06-1979	06-06-1979	01-25-2019	Remain in Effect without Amendment
401 KAR 061:070	06-06-1979	06-06-1979	01-25-2019	Remain in Effect without Amendment
401 KAR 061:075	06-06-1979	12-01-1982	01-25-2019	Remain in Effect without Amendment
401 KAR 061:080	06-06-1979	04-01-1984	01-25-2019	Remain in Effect without Amendment
401 KAR 061:085	06-06-1979	02-08-1993	01-25-2019	Remain in Effect without Amendment
401 KAR 061:090	06-29-1979	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:095	06-29-1979	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:100	06-29-1979	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:105	06-29-1979	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:110	06-29-1979	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:120	06-29-1979	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:122	02-04-1981	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:124	02-04-1981	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:125	06-29-1979	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:130	06-29-1979	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:132	02-04-1981	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:135	06-29-1979	06-29-1979	01-25-2019	Remain in Effect without Amendment
401 KAR 061:137	02-04-1981	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:140	06-06-1979	09-04-1986	01-25-2019	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
401 KAR 061:145	06-06-1979	01-07-1981	01-25-2019	Remain in Effect without Amendment
401 KAR 061:150	02-04-1981	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:155	02-04-1981	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:160	02-04-1981	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 061:165	01-07-1981	06-04-1985	01-25-2019	Remain in Effect without Amendment
401 KAR 061:170	03-02-1983	04-14-1988	01-25-2019	Remain in Effect without Amendment
401 KAR 061:175	12-02-1986	06-24-1992	01-25-2019	Remain in Effect without Amendment
401 KAR 063:001	06-24-1992	11-08-2006	09-12-2018	Remain in Effect without Amendment
401 KAR 063:005	06-06-1979	07-13-2005	09-12-2018	Remain in Effect without Amendment
401 KAR 063:010	06-29-1979	06-29-1979	09-12-2018	Remain in Effect without Amendment
401 KAR 063:015	06-06-1979	06-06-1979	09-12-2018	Remain in Effect without Amendment
401 KAR 063:020	06-06-1979	06-06-1979	09-12-2018	Remain in Effect without Amendment
401 KAR 063:021	11-11-1986	01-19-1999	09-12-2018	Remain in Effect without Amendment
401 KAR 063:025	06-06-1979	06-24-1992	09-12-2018	Remain in Effect without Amendment
401 KAR 063:031	08-24-1982	02-08-1993	09-12-2018	Remain in Effect without Amendment
401 KAR 063:060	11-29-1993	03-03-2017	09-12-2018	Remain in Effect without Amendment
401 KAR 065:001	11-29-1993	11-08-2006	09-12-2018	Remain in Effect without Amendment
401 KAR 065:005	06-06-1979	06-06-1979	09-12-2018	Remain in Effect without Amendment
401 KAR 068:010	10-13-1999	10-13-1999	09-12-2018	Remain in Effect without Amendment
401 KAR 068:020	10-13-1999	10-13-1999	09-12-2018	Remain in Effect without Amendment
401 KAR 068:048	10-13-1999	10-13-1999	09-12-2018	Remain in Effect without Amendment
401 KAR 068:065	10-13-1999	10-13-1999	09-12-2018	Remain in Effect without Amendment
401 KAR 068:090	10-13-1999	10-13-1999	09-12-2018	Remain in Effect without Amendment
401 KAR 068:100	10-13-1999	10-13-1999	09-12-2018	Remain in Effect without Amendment
401 KAR 068:150	10-13-1999	10-13-1999	09-12-2018	Remain in Effect without Amendment
401 KAR 068:200	10-13-1999	10-13-1999	09-12-2018	Remain in Effect without Amendment
401 KAR 100:030	03-18-2004	03-18-2004	08-13-2018	Remain in Effect without Amendment
401 KAR 101:001	07-06-2009	07-06-2009	08-13-2018	Remain in Effect without Amendment
401 KAR 101:010	07-06-2009	07-06-2009	08-13-2018	Remain in Effect without Amendment
401 KAR 101:020	07-06-2009	07-06-2009	08-13-2018	Remain in Effect without Amendment
401 KAR 101:030	07-06-2009	07-06-2009	08-13-2018	Remain in Effect without Amendment
401 KAR 101:040	07-06-2009	07-06-2009	08-13-2018	Remain in Effect without Amendment
401 KAR 102:005	02-03-2014	02-03-2014	08-13-2018	Remain in Effect without Amendment
401 KAR 102:010	01-14-2002	02-03-2014	08-13-2018	Remain in Effect without Amendment
401 KAR 102:020	02-03-2014	02-03-2014	08-13-2018	Remain in Effect without Amendment
402 KAR 003:010	11-13-1984	11-02-2017	07-03-2018	Remain in Effect without Amendment
402 KAR 003:020	05-19-1999	05-05-2006	07-03-2018	Remain in Effect without Amendment
402 KAR 003:030	05-19-1999	11-02-2017	07-03-2018	Remain in Effect without Amendment
402 KAR 003:040	05-05-2006	05-05-2006	07-03-2018	Remain in Effect without Amendment
402 KAR 003:050	09-03-2015	09-03-2015	07-03-2018	Remain in Effect without Amendment
405 KAR 002:010	08-11-1982	08-11-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 005:002	08-26-2004	08-26-2004	07-03-2018	Remain in Effect without Amendment
405 KAR 005:015	02-22-1995	02-22-1995	07-03-2018	Remain in Effect without Amendment
405 KAR 005:021	02-22-1995	02-22-1995	07-03-2018	Remain in Effect without Amendment
405 KAR 005:032	08-26-2004	03-08-2013	07-03-2018	Remain in Effect without Amendment
405 KAR 005:036	08-26-2004	08-26-2004	07-03-2018	Remain in Effect without Amendment
405 KAR 005:040	02-22-1995	02-22-1995	07-03-2018	Remain in Effect without Amendment
405 KAR 005:042	08-26-2004	08-26-2004	07-03-2018	Remain in Effect without Amendment
405 KAR 005:048	08-26-2004	08-26-2004	07-03-2018	Remain in Effect without Amendment
405 KAR 005:050	02-22-1995	02-22-1995	07-03-2018	Remain in Effect without Amendment
405 KAR 005:055	02-22-1995	02-22-1995	07-03-2018	Remain in Effect without Amendment
405 KAR 005:062	08-26-2004	08-26-2004	07-03-2018	Remain in Effect without Amendment
405 KAR 005:065	02-22-1995	02-22-1995	07-03-2018	Remain in Effect without Amendment
405 KAR 005:070	02-22-1995	02-22-1995	07-03-2018	Remain in Effect without Amendment
405 KAR 005:078	08-26-2004	08-26-2004	07-03-2018	Remain in Effect without Amendment
405 KAR 005:082	08-26-2004	08-26-2004	07-03-2018	Remain in Effect without Amendment
405 KAR 005:085	02-22-1995	02-03-2012	07-03-2018	Remain in Effect without Amendment
405 KAR 007:001	04-03-1992	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 007:015	08-07-1984	12-12-1994	07-03-2018	Remain in Effect without Amendment
405 KAR 007:030	02-02-1983	11-09-1992	07-03-2018	Remain in Effect without Amendment
405 KAR 007:035	11-26-1991	11-26-1991	07-03-2018	Remain in Effect without Amendment
405 KAR 007:040	01-06-1983	01-06-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 007:050	05-04-1983	05-04-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 007:060	01-06-1983	02-04-1986	07-03-2018	Remain in Effect without Amendment
405 KAR 007:070	05-14-1985	09-10-1987	07-03-2018	Remain in Effect without Amendment
405 KAR 007:080	01-06-1983	09-28-1994	07-03-2018	Remain in Effect without Amendment
405 KAR 007:095	01-06-1983	01-05-2018	07-03-2018	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
405 KAR 007:097	06-09-1999	06-09-1999	07-03-2018	Remain in Effect without Amendment
405 KAR 007:100	01-06-1983	01-06-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 007:110	01-06-1983	01-06-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 008:001	04-03-1992	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 008:010	01-06-1983	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 008:020	01-06-1983	11-26-1991	07-03-2018	Remain in Effect without Amendment
405 KAR 008:030	01-06-1983	01-05-2015	07-03-2018	Remain in Effect without Amendment
405 KAR 008:040	01-06-1983	01-05-0215	07-03-2018	Remain in Effect without Amendment
405 KAR 008:050	01-06-1983	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 010:001	04-03-1992	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 010:015	09-06-2012	11-07-2013	07-03-2018	Remain in Effect without Amendment
405 KAR 010:025	12-05-2014	12-05-2014	07-03-2018	Remain in Effect without Amendment
405 KAR 010:030	01-06-1983	09-06-2012	07-03-2018	Remain in Effect without Amendment
405 KAR 010:035	10-09-1984	10-09-1984	07-03-2018	Remain in Effect without Amendment
405 KAR 010:040	01-06-1983	04-24-1991	07-03-2018	Remain in Effect without Amendment
405 KAR 010:050	01-06-1983	09-22-1993	07-03-2018	Remain in Effect without Amendment
405 KAR 010:070	11-07-2013	11-07-2013	07-03-2018	Remain in Effect without Amendment
405 KAR 010:080	11-07-2013	11-07-2013	07-03-2018	Remain in Effect without Amendment
405 KAR 010:090	11-07-2013	11-07-2013	07-03-2018	Remain in Effect without Amendment
405 KAR 012:001	04-03-1992	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 012:010	01-06-1983	09-22-1993	07-03-2018	Remain in Effect without Amendment
405 KAR 012:020	01-06-1983	02-03-2012	07-03-2018	Remain in Effect without Amendment
405 KAR 012:030	01-06-1983	01-06-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 016:001	04-03-1992	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 016:010	01-06-1983	12-12-1994	07-03-2018	Remain in Effect without Amendment
405 KAR 016:020	01-06-1983	09-06-2012	07-03-2018	Remain in Effect without Amendment
405 KAR 016:030	01-06-1983	01-06-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 016:040	01-06-1983	01-06-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 016:050	01-06-1983	08-13-1985	07-03-2018	Remain in Effect without Amendment
405 KAR 016:060	01-06-1983	07-07-1998	07-03-2018	Remain in Effect without Amendment
405 KAR 016:070	01-06-1983	12-13-1988	07-03-2018	Remain in Effect without Amendment
405 KAR 016:080	01-06-1983	12-13-1988	07-03-2018	Remain in Effect without Amendment
405 KAR 016:090	01-06-1983	10-09-2002	07-03-2018	Remain in Effect without Amendment
405 KAR 016:100	01-06-1983	06-10-1998	07-03-2018	Remain in Effect without Amendment
405 KAR 016:110	01-06-1983	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 016:120	01-06-1983	12-13-1988	07-03-2018	Remain in Effect without Amendment
405 KAR 016:130	01-06-1983	08-13-1985	07-03-2018	Remain in Effect without Amendment
405 KAR 016:140	01-06-1983	11-17-2009	07-03-2018	Remain in Effect without Amendment
405 KAR 016:150	01-06-1983	12-13-1988	07-03-2018	Remain in Effect without Amendment
405 KAR 016:160	01-06-1983	06-10-1998	07-03-2018	Remain in Effect without Amendment
405 KAR 016:170	01-06-1983	08-13-1985	07-03-2018	Remain in Effect without Amendment
405 KAR 016:180	01-06-1983	06-24-1992	07-03-2018	Remain in Effect without Amendment
405 KAR 016:190	01-06-1983	11-26-1991	07-03-2018	Remain in Effect without Amendment
405 KAR 016:200	01-06-1983	02-22-1995	07-03-2018	Remain in Effect without Amendment
405 KAR 016:210	01-06-1983	11-26-1991	07-03-2018	Remain in Effect without Amendment
405 KAR 016:220	01-06-1983	01-06-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 016:250	01-06-1983	01-06-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 018:001	04-03-1992	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 018:010	01-06-1983	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 018:020	01-06-1983	01-06-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 018:030	01-06-1983	01-06-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 018:040	01-06-1983	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 018:050	01-06-1983	08-13-1985	07-03-2018	Remain in Effect without Amendment
405 KAR 018:060	01-06-1983	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 018:070	01-06-1983	12-13-1988	07-03-2018	Remain in Effect without Amendment
405 KAR 018:080	01-06-1983	12-13-1988	07-03-2018	Remain in Effect without Amendment
405 KAR 018:090	01-06-1983	10-09-2002	07-03-2018	Remain in Effect without Amendment
405 KAR 018:100	01-06-1983	06-10-1998	07-03-2018	Remain in Effect without Amendment
405 KAR 018:110	01-06-1983	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 018:120	01-06-1983	12-13-1988	07-03-2018	Remain in Effect without Amendment
405 KAR 018:130	01-06-1983	08-13-1985	07-03-2018	Remain in Effect without Amendment
405 KAR 018:140	01-06-1983	11-17-2009	07-03-2018	Remain in Effect without Amendment
405 KAR 018:150	01-06-1983	12-13-1988	07-03-2018	Remain in Effect without Amendment
405 KAR 018:160	01-06-1983	06-10-1998	07-03-2018	Remain in Effect without Amendment
405 KAR 018:170	01-06-1983	08-13-1985	07-03-2018	Remain in Effect without Amendment
405 KAR 018:180	01-06-1983	06-24-1992	07-03-2018	Remain in Effect without Amendment
405 KAR 018:190	01-06-1983	11-26-1991	07-03-2018	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
405 KAR 018:200	01-06-1983	02-22-1995	07-03-2018	Remain in Effect without Amendment
405 KAR 018:210	01-06-1983	06-08-2001	07-03-2018	Remain in Effect without Amendment
405 KAR 018:220	01-06-1983	11-26-1991	07-03-2018	Remain in Effect without Amendment
405 KAR 018:230	01-06-1983	01-06-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 018:260	01-06-1983	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 020:001	04-03-1992	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 020:010	01-06-1983	12-17-1991	07-03-2018	Remain in Effect without Amendment
405 KAR 020:030	01-06-1983	08-13-1985	07-03-2018	Remain in Effect without Amendment
405 KAR 020:040	01-06-1983	02-04-1986	07-03-2018	Remain in Effect without Amendment
405 KAR 020:050	01-06-1983	01-06-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 020:060	01-06-1983	05-22-2000	07-03-2018	Remain in Effect without Amendment
405 KAR 020:070	01-06-1983	02-04-1986	07-03-2018	Remain in Effect without Amendment
405 KAR 020:080	01-06-1983	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 020:090	01-05-2018	01-05-2018	07-03-2018	Remain in Effect without Amendment
405 KAR 024:001	04-03-1992	04-03-1992	07-03-2018	Remain in Effect without Amendment
405 KAR 024:020	01-06-1983	12-13-1988	07-03-2018	Remain in Effect without Amendment
405 KAR 024:030	01-06-1983	12-13-1988	07-03-2018	Remain in Effect without Amendment
405 KAR 024:040	01-06-1983	06-28-1989	07-03-2018	Remain in Effect without Amendment
405 KAR 026:001	01-06-1983	01-06-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 030:010	03-01-1982	10-05-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 030:015	08-07-1984	08-07-1984	07-03-2018	Remain in Effect without Amendment
405 KAR 030:020	03-01-1982	11-02-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 030:025	06-25-1983	10-05-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 030:035	06-25-1982	06-25-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:040	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:050	06-02-1982	06-02-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:060	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:070	03-01-1982	10-05-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 030:080	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:090	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:100	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:110	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:121	06-02-1982	10-05-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 030:125	06-02-1982	06-02-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:130	08-02-1981	10-05-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 030:140	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:150	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:160	11-02-1983	11-02-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 030:170	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:180	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:210	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:220	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:230	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:240	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:250	03-01-1982	10-05-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 030:260	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:270	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:280	03-01-1982	10-05-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 030:290	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:300	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:310	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:320	03-01-1982	10-05-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 030:330	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:340	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:350	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:360	11-02-1983	11-02-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 030:370	10-05-1983	10-05-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 030:390	03-01-1982	10-05-1983	07-03-2018	Remain in Effect without Amendment
405 KAR 030:400	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
405 KAR 030:410	03-01-1982	03-01-1982	07-03-2018	Remain in Effect without Amendment
416 KAR 001:010	08-24-1995	08-24-1995	06-27-2018	Remain in Effect without Amendment
500 KAR 007:020	01-07-1989	01-07-1989	03-13-2019	Remain in Effect without Amendment
500 KAR 008:010	02-07-1991	12-01-2017	12-17-2018	Remain in Effect without Amendment
500 KAR 008:020	11-08-1991	05-24-2004	12-17-2018	Remain in Effect without Amendment
500 KAR 008:030	11-08-1991	12-01-2017	12-17-2018	Remain in Effect without Amendment
505 KAR 001:010	02-18-1999	10-31-2003	03-13-2019	Remain in Effect without Amendment
505 KAR 001:050	02-18-1999	10-31-2003	03-13-2019	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
505 KAR 001:060	02-18-1999	10-31-2003	03-13-2019	Remain in Effect without Amendment
505 KAR 001:070	02-18-1999	10-31-2003	03-13-2019	Remain in Effect without Amendment
505 KAR 001:090	06-12-2000	06-12-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:010	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:020	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:030	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:040	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:050	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:060	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:070	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:080	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:090	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:100	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:110	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:120	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:130	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:140	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:150	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:160	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:170	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:180	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:190	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:200	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:210	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:220	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
505 KAR 002:230	02-14-2000	02-14-2000	03-13-2019	Remain in Effect without Amendment
600 KAR 003:020	10-04-1989	05-18-1994	02-11-2019	Remain in Effect without Amendment
600 KAR 003:030	06-01-1999	11-09-2006	02-18-2019	Remain in Effect without Amendment
600 KAR 006:010	04-05-1996	11-09-2006	04-01-2019	Remain in Effect without Amendment
600 KAR 006:020	04-05-1996	04-05-1996	04-01-2019	Remain in Effect without Amendment
600 KAR 006:030	04-05-1996	11-09-2006	04-01-2019	Remain in Effect without Amendment
600 KAR 006:040	04-05-1996	07-01-2014	04-01-2019	Remain in Effect without Amendment
600 KAR 006:050	04-05-1996	11-09-2006	04-01-2019	Remain in Effect without Amendment
600 KAR 006:060	04-05-1996	11-09-2006	04-01-2019	Remain in Effect without Amendment
600 KAR 006:065	05-04-1999	11-09-2006	04-01-2019	Remain in Effect without Amendment
600 KAR 006:070	04-05-1996	11-09-2006	04-01-2019	Remain in Effect without Amendment
600 KAR 006:080	04-05-1996	01-25-2012	10-08-2018	Remain in Effect without Amendment
600 KAR 006:080	04-05-1996	01-25-2012	02-18-2019	Remain in Effect without Amendment
601 KAR 001:018	05-22-2000	07-07-2017	02-18-2019	Remain in Effect without Amendment
601 KAR 001:019	07-06-2012	07-06-2012	10-08-2018	Remain in Effect without Amendment
601 KAR 001:019	07-06-2012	07-06-2012	02-18-2019	Remain in Effect without Amendment
601 KAR 001:146	05-18-1998	04-05-2013	02-18-2019	Remain in Effect without Amendment
601 KAR 001:147	05-18-1998	10-01-2013	02-18-2019	Remain in Effect without Amendment
601 KAR 001:200	09-03-1996	08-06-2010	10-08-2018	Remain in Effect without Amendment
601 KAR 001:201	03-02-1999	09-07-2010	10-08-2018	Remain in Effect without Amendment
601 KAR 001:201	03-02-1999	09-07-2010	02-18-2019	Remain in Effect without Amendment
601 KAR 001:220	05-07-2010	05-07-2010	10-08-2018	Remain in Effect without Amendment
601 KAR 002:020	09-01-1998	08-10-2010	10-08-2018	Remain in Effect without Amendment
601 KAR 002:020	09-01-1998	08-10-2010	02-25-2019	Remain in Effect without Amendment
601 KAR 009:012	09-01-1976	10-05-1993	02-11-2019	Remain in Effect without Amendment
601 KAR 009:015	05-14-1975	11-05-2010	10-08-2018	Remain in Effect without Amendment
601 KAR 009:015	05-14-1975	11-05-2010	02-11-2019	Remain in Effect without Amendment
601 KAR 009:080	01-04-1984	09-10-1987	02-18-2019	Remain in Effect without Amendment
601 KAR 009:085	01-04-1984	04-04-2014	02-18-2019	Remain in Effect without Amendment
601 KAR 009:090	01-04-1984	11-02-2012	10-08-2018	Remain in Effect without Amendment
601 KAR 009:090	01-04-1984	11-02-2012	02-11-2019	Remain in Effect without Amendment
601 KAR 009:160	05-23-1994	03-14-2012	10-08-2018	Remain in Effect without Amendment
601 KAR 009:160	05-23-1994	03-14-2012	02-11-2019	Remain in Effect without Amendment
601 KAR 009:200	05-02-1995	12-06-2013	02-11-2019	Remain in Effect without Amendment
601 KAR 009:205	01-03-2011	01-03-2011	10-08-2018	Remain in Effect without Amendment
601 KAR 009:210	12-19-2001	04-01-2011	10-08-2018	Remain in Effect without Amendment
601 KAR 009:210	12-19-2001	04-01-2011	02-11-2019	Remain in Effect without Amendment
601 KAR 009:220	12-07-1995	12-07-1995	02-11-2019	Remain in Effect without Amendment
601 KAR 011:010	04-05-1991	10-07-2005	02-25-2019	Remain in Effect without Amendment
601 KAR 011:020	04-05-1991	01-09-1997	02-25-2019	Remain in Effect without Amendment
601 KAR 011:030	04-05-1991	10-07-2014	02-25-2019	Remain in Effect without Amendment
601 KAR 011:035	10-04-2011	10-04-2011	10-08-2018	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
601 KAR 011:035	10-04-2011	10-04-2011	02-25-2019	Remain in Effect without Amendment
601 KAR 011:050	04-05-1991	04-05-1991	02-25-2019	Remain in Effect without Amendment
601 KAR 011:080	06-23-1994	06-23-1994	02-25-2019	Remain in Effect without Amendment
601 KAR 012:020	06-11-1975	03-04-1997	02-25-2019	Remain in Effect without Amendment
601 KAR 012:050	09-04-1986	09-04-1986	02-25-2019	Remain in Effect without Amendment
601 KAR 012:060	10-01-1991	07-02-2010	10-08-2018	Remain in Effect without Amendment
601 KAR 012:060	10-01-1991	07-02-2010	02-25-2019	Remain in Effect without Amendment
601 KAR 012:070	10-03-1995	10-03-1995	02-25-2019	Remain in Effect without Amendment
601 KAR 013:025	08-09-1990	11-01-2013	02-25-2019	Remain in Effect without Amendment
601 KAR 013:031	11-16-1993	11-16-1993	02-25-2019	Remain in Effect without Amendment
601 KAR 013:040	09-11-1984	09-11-1984	02-25-2019	Remain in Effect without Amendment
601 KAR 013:070	12-04-1990	11-07-2008	02-25-2019	Remain in Effect without Amendment
601 KAR 013:110	03-04-1997	02-01-2013	02-25-2019	Remain in Effect without Amendment
601 KAR 014:020	02-10-1994	07-07-2015	03-11-2019	Remain in Effect without Amendment
601 KAR 014:030	11-05-2010	11-05-2010	10-08-2018	Remain in Effect without Amendment
601 KAR 014:030	11-05-2010	11-05-2010	03-11-2019	Remain in Effect without Amendment
601 KAR 015:020	09-11-1984	09-10-1987	03-26-2019	Remain in Effect without Amendment
601 KAR 015:030	01-30-2018	01-30-2018	03-26-2019	Remain in Effect without Amendment
601 KAR 023:010	02-05-2010	02-05-2010	10-08-2018	Remain in Effect without Amendment
601 KAR 023:010	02-05-2010	02-05-2010	02-11-2019	Remain in Effect without Amendment
601 KAR 035:020	10-09-1986	02-10-1987	05-22-2019	Remain in Effect without Amendment
601 KAR 035:070	04-14-1987	04-14-1987	05-22-2019	Remain in Effect without Amendment
602 KAR 020:020	12-10-1975	11-04-1989	03-26-2019	Remain in Effect without Amendment
602 KAR 020:030	06-11-1975	11-04-1989	03-26-2019	Remain in Effect without Amendment
602 KAR 020:040	06-11-1975	11-04-1989	03-26-2019	Remain in Effect without Amendment
602 KAR 020:100	10-08-1975	01-12-1990	03-26-2019	Remain in Effect without Amendment
602 KAR 020:120	11-04-1989	11-04-1989	03-26-2019	Remain in Effect without Amendment
602 KAR 050:010	05-14-1975	04-09-2001	03-26-2019	Remain in Effect without Amendment
602 KAR 050:030	05-14-1975	04-05-2013	03-26-2019	Remain in Effect without Amendment
602 KAR 050:040	06-11-1975	01-04-1984	03-26-2019	Remain in Effect without Amendment
602 KAR 050:050	06-11-1975	04-05-2013	03-26-2019	Remain in Effect without Amendment
602 KAR 050:060	05-14-1975	04-09-2001	03-26-2019	Remain in Effect without Amendment
602 KAR 050:070	05-14-1975	04-09-2001	03-26-2019	Remain in Effect without Amendment
602 KAR 050:090	06-11-1975	04-09-2001	03-26-2019	Remain in Effect without Amendment
602 KAR 050:100	05-14-1975	04-09-2001	03-26-2019	Remain in Effect without Amendment
602 KAR 050:110	05-14-1975	11-04-1992	03-26-2019	Remain in Effect without Amendment
602 KAR 050:115	09-10-1975	01-04-1984	03-26-2019	Remain in Effect without Amendment
602 KAR 050:120	05-14-1975	08-11-1997	03-26-2019	Remain in Effect without Amendment
603 KAR 001:020	05-14-1976	10-03-1979	02-11-2019	Remain in Effect without Amendment
603 KAR 003:051	07-17-1979	10-04-1988	04-01-2019	Remain in Effect without Amendment
603 KAR 004:035	11-03-1982	02-15-2012	10-08-2018	Remain in Effect without Amendment
603 KAR 004:035	11-03-1982	02-15-2012	03-05-2019	Remain in Effect without Amendment
603 KAR 004:040	01-09-1995	09-07-2004	03-05-2019	Remain in Effect without Amendment
603 KAR 004:050	06-01-1999	12-19-2001	03-05-2019	Remain in Effect without Amendment
603 KAR 005:040	02-11-1974	07-17-1979	04-01-2019	Remain in Effect without Amendment
603 KAR 005:050	05-14-1975	04-05-2013	03-05-2019	Remain in Effect without Amendment
603 KAR 005:061	03-12-1985	08-05-1987	03-11-2019	Remain in Effect without Amendment
603 KAR 005:072	09-02-1988	10-03-1995	03-18-2019	Remain in Effect without Amendment
603 KAR 005:077	01-06-1981	02-03-1990	03-05-2019	Remain in Effect without Amendment
603 KAR 005:115	04-07-1982	02-10-1997	03-11-2019	Remain in Effect without Amendment
603 KAR 005:120	03-12-1985	01-13-2000	04-01-2019	Remain in Effect without Amendment
603 KAR 005:150	03-12-1985	01-13-2000	04-01-2019	Remain in Effect without Amendment
603 KAR 005:220	02-10-1987	02-10-1987	03-11-2019	Remain in Effect without Amendment
603 KAR 005:230	03-06-1987	11-06-2009	03-11-2019	Remain in Effect without Amendment
603 KAR 005:240	10-02-1990	10-02-1990	03-05-2019	Remain in Effect without Amendment
603 KAR 005:250	07-02-1991	07-02-1991	03-11-2019	Remain in Effect without Amendment
603 KAR 007:080	01-25-2012	01-25-2012	10-08-2018	Remain in Effect without Amendment
603 KAR 007:090	10-02-2001	10-02-2001	03-11-2019	Remain in Effect without Amendment
603 KAR 008:010	03-12-1985	09-10-1987	03-18-2019	Remain in Effect without Amendment
603 KAR 009:010	08-03-1993	06-01-1995	03-11-2019	Remain in Effect without Amendment
603 KAR 009:020	06-01-1995	06-01-1995	03-11-2019	Remain in Effect without Amendment
605 KAR 001:020	01-07-1989	01-07-1989	03-05-2019	Remain in Effect without Amendment
605 KAR 001:030	12-01-1982	10-01-1991	03-05-2019	Remain in Effect without Amendment
605 KAR 001:031	01-04-2008	01-04-2008	03-05-2019	Remain in Effect without Amendment
605 KAR 001:060	07-07-2004	03-06-2009	03-05-2019	Remain in Effect without Amendment
605 KAR 001:160	11-06-1987	10-01-1991	03-05-2019	Remain in Effect without Amendment
605 KAR 001:170	03-10-1988	03-10-1988	02-18-2019	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
605 KAR 001:170	03-10-1988	03-10-1988	03-05-2019	Remain in Effect without Amendment
701 KAR 005:055	08-04-1994	12-05-1996	11-16-2018	Remain in Effect without Amendment
701 KAR 005:080	03-13-1991	03-13-1991	11-16-2018	Remain in Effect without Amendment
701 KAR 005:090	09-06-1991	11-12-2002	11-16-2018	Remain in Effect without Amendment
701 KAR 005:100	09-06-1991	06-01-1995	11-16-2018	Remain in Effect without Amendment
701 KAR 005:120	01-19-1999	01-19-1999	11-16-2018	Remain in Effect without Amendment
701 KAR 005:130	03-07-2008	03-07-2008	11-16-2018	Remain in Effect without Amendment
702 KAR 001:035	03-02-1977	07-15-2002	11-16-2018	Remain in Effect without Amendment
702 KAR 001:080	03-10-1976	12-05-1996	11-16-2018	Remain in Effect without Amendment
702 KAR 001:100	02-02-1977	10-14-1990	11-16-2018	Remain in Effect without Amendment
702 KAR 001:140	07-06-1995	07-06-1995	11-16-2018	Remain in Effect without Amendment
702 KAR 001:150	01-15-2001	03-19-2003	11-16-2018	Remain in Effect without Amendment
702 KAR 003:020	11-13-1974	01-14-2002	11-16-2018	Remain in Effect without Amendment
702 KAR 003:030	11-13-1974	07-02-2010	11-16-2018	Remain in Effect without Amendment
702 KAR 003:045	03-12-1975	08-01-1992	11-16-2018	Remain in Effect without Amendment
702 KAR 003:050	03-12-1975	12-09-1990	11-16-2018	Remain in Effect without Amendment
702 KAR 003:060	11-03-1974	01-16-2003	11-16-2018	Remain in Effect without Amendment
702 KAR 003:070	03-12-1975	01-14-2002	11-16-2018	Remain in Effect without Amendment
702 KAR 003:075	11-13-1974	11-01-1999	11-16-2018	Remain in Effect without Amendment
702 KAR 003:080	11-13-1975	01-05-2009	11-16-2018	Remain in Effect without Amendment
702 KAR 003:090	11-13-1975	06-08-2009	11-16-2018	Remain in Effect without Amendment
702 KAR 003:135	10-01-1980	01-14-2002	11-16-2018	Remain in Effect without Amendment
702 KAR 003:150	11-13-1974	02-07-1991	11-16-2018	Remain in Effect without Amendment
702 KAR 003:190	10-09-1984	09-02-1993	11-16-2018	Remain in Effect without Amendment
702 KAR 003:246	02-12-1996	01-03-2011	11-16-2018	Remain in Effect without Amendment
702 KAR 003:250	09-06-1991	10-01-1992	11-16-2018	Remain in Effect without Amendment
702 KAR 003:270	12-01-1994	09-08-2008	11-16-2018	Remain in Effect without Amendment
702 KAR 003:275	02-02-1995	02-02-1995	11-16-2018	Remain in Effect without Amendment
702 KAR 003:285	01-09-1997	01-09-1997	11-16-2018	Remain in Effect without Amendment
702 KAR 003:310	02-03-2003	02-03-2003	11-16-2018	Remain in Effect without Amendment
702 KAR 004:005	06-11-1975	02-07-1991	11-16-2018	Remain in Effect without Amendment
702 KAR 004:050	10-08-1975	03-07-1992	11-16-2018	Remain in Effect without Amendment
702 KAR 004:090	06-11-1975	02-07-1991	11-16-2018	Remain in Effect without Amendment
702 KAR 004:100	12-10-1975	02-07-1991	11-16-2018	Remain in Effect without Amendment
702 KAR 004:170	03-02-1995	03-02-1995	11-16-2018	Remain in Effect without Amendment
702 KAR 004:180	10-06-1991	07-07-2008	11-16-2018	Remain in Effect without Amendment
702 KAR 005:010	06-11-1975	12-01-2006	11-16-2018	Remain in Effect without Amendment
702 KAR 005:020	10-08-1975	10-14-1990	11-16-2018	Remain in Effect without Amendment
702 KAR 005:060	06-11-1975	10-14-1990	11-16-2018	Remain in Effect without Amendment
702 KAR 005:080	03-16-1998	01-04-2008	11-16-2018	Remain in Effect without Amendment
702 KAR 005:100	06-11-1975	10-14-1990	11-16-2018	Remain in Effect without Amendment
702 KAR 005:120	01-05-1977	10-01-1992	11-16-2018	Remain in Effect without Amendment
702 KAR 005:130	06-04-1985	01-16-2003	11-16-2018	Remain in Effect without Amendment
702 KAR 005:150	12-07-1990	01-16-2003	11-16-2018	Remain in Effect without Amendment
702 KAR 006:010	10-02-1974	01-04-2010	11-16-2018	Remain in Effect without Amendment
702 KAR 006:020	03-12-1975	01-04-2010	11-16-2018	Remain in Effect without Amendment
702 KAR 006:040	03-12-1975	01-04-2010	11-16-2018	Remain in Effect without Amendment
702 KAR 006:045	03-23-1989	01-04-2010	11-16-2018	Remain in Effect without Amendment
702 KAR 006:050	10-02-1974	02-07-1991	11-16-2018	Remain in Effect without Amendment
702 KAR 006:060	03-12-1975	02-07-1991	11-16-2018	Remain in Effect without Amendment
702 KAR 006:075	10-14-1990	01-04-2010	11-16-2018	Remain in Effect without Amendment
702 KAR 007:130	01-05-2009	10-06-2010	11-16-2018	Remain in Effect without Amendment
703 KAR 003:205	09-02-1993	12-05-1996	11-16-2018	Remain in Effect without Amendment
704 KAR 003:285	07-05-1978	09-01-1999	11-16-2018	Remain in Effect without Amendment
704 KAR 003:307	04-01-1981	02-07-1991	11-16-2018	Remain in Effect without Amendment
704 KAR 003:325	10-09-1994	02-03-2006	11-16-2018	Remain in Effect without Amendment
704 KAR 003:406	08-04-1994	08-04-1994	11-16-2018	Remain in Effect without Amendment
704 KAR 003:410	12-09-1990	06-07-1999	11-16-2018	Remain in Effect without Amendment
704 KAR 003:420	06-07-1999	06-07-1999	11-16-2018	Remain in Effect without Amendment
704 KAR 003:440	08-01-1992	08-01-1992	11-16-2018	Remain in Effect without Amendment
704 KAR 003:455	01-09-1995	03-19-2003	11-16-2018	Remain in Effect without Amendment
704 KAR 003:480	03-01-1999	03-01-1999	11-16-2018	Remain in Effect without Amendment
704 KAR 003:490	01-15-2001	08-07-2006	11-16-2018	Remain in Effect without Amendment
704 KAR 003:500	11-05-2001	11-05-2001	11-16-2018	Remain in Effect without Amendment
704 KAR 003:510	03-19-2003	03-19-2003	11-16-2018	Remain in Effect without Amendment
704 KAR 003:530	08-07-2006	08-07-2006	11-16-2018	Remain in Effect without Amendment
704 KAR 004:010	11-13-1974	02-07-1991	11-16-2018	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
704 KAR 005:060	12-02-1988	02-07-1991	11-16-2018	Remain in Effect without Amendment
704 KAR 007:070	12-02-1986	01-19-1999	11-16-2018	Remain in Effect without Amendment
704 KAR 007:120	10-07-1993	04-22-2005	11-16-2018	Remain in Effect without Amendment
704 KAR 007:130	09-04-1997	06-08-2001	11-16-2018	Remain in Effect without Amendment
704 KAR 007:140	01-16-2003	11-08-2004	11-16-2018	Remain in Effect without Amendment
704 KAR 010:022	11-03-1976	10-08-1989	11-16-2018	Remain in Effect without Amendment
705 KAR 003:141	08-04-1994	08-04-1994	11-16-2018	Remain in Effect without Amendment
705 KAR 004:081	08-04-1994	08-04-1994	11-16-2018	Remain in Effect without Amendment
705 KAR 004:240	01-19-1999	01-19-1999	11-16-2018	Remain in Effect without Amendment
707 KAR 001:270	03-01-1999	03-01-1999	11-16-2018	Remain in Effect without Amendment
707 KAR 001:290	08-14-2000	11-05-2007	11-16-2018	Remain in Effect without Amendment
707 KAR 001:300	08-14-2000	11-05-2007	11-16-2018	Remain in Effect without Amendment
707 KAR 001:320	08-14-2000	11-05-2007	11-16-2018	Remain in Effect without Amendment
707 KAR 001:350	08-14-2000	11-05-2007	11-16-2018	Remain in Effect without Amendment
707 KAR 001:360	08-14-2000	11-05-2007	11-16-2018	Remain in Effect without Amendment
707 KAR 001:370	08-14-2000	11-05-2007	11-16-2018	Remain in Effect without Amendment
707 KAR 001:380	08-14-2000	11-05-2007	11-16-2018	Remain in Effect without Amendment
750 KAR 001:010	07-02-1986	04-02-2010	07-25-2018	Remain in Effect without Amendment
750 KAR 002:010	11-04-1993	02-04-1999	07-25-2018	Remain in Effect without Amendment
780 KAR 001:010	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 002:010	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 002:030	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 002:110	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 003:010	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 003:020	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 003:030	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 003:035	09-11-2000	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 003:040	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 003:060	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 003:065	07-17-2000	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 003:075	07-17-2000	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 003:090	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 003:100	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 003:110	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 003:150	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 003:160	07-05-1991	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 006:005	07-17-2000	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 006:010	12-09-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 006:020	12-09-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 006:030	12-09-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 006:040	12-09-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 006:050	12-09-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 006:062	07-17-2000	01-04-2010	11-16-2018	Remain in Effect without Amendment
780 KAR 006:065	07-17-2000	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 006:070	12-09-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 006:080	12-09-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 006:090	12-09-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 006:100	12-09-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 007:020	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
780 KAR 007:040	10-14-1990	05-01-2009	11-16-2018	Remain in Effect without Amendment
803 KAR 025:010	06-15-1995	10-07-2016	04-29-2019	To be amended, filing deadline 10-29-20
803 KAR 025:012	03-09-1993	12-21-2000	03-29-2019	Remain in Effect without Amendment
803 KAR 025:030	08-13-1975	10-07-2005	03-29-2019	Remain in Effect without Amendment
803 KAR 025:036	02-25-1997	02-25-1997	03-29-2019	Remain in Effect without Amendment
803 KAR 025:040	08-13-1975	08-13-1975	03-29-2019	Remain in Effect without Amendment
803 KAR 025:070	11-02-1983	11-02-1983	03-29-2019	To be amended, filing deadline 09-29-20
803 KAR 025:075	04-20-1995	04-20-1995	03-29-2019	To be amended, filing deadline 09-29-20
803 KAR 025:091	02-02-1993	03-04-2011	03-29-2019	To be amended, filing deadline 09-29-20
803 KAR 025:092	11-10-1993	11-10-1993	04-29-2019	To be amended, filing deadline 10-29-20
803 KAR 025:096	03-09-1993	06-15-1998	03-29-2019	To be amended, filing deadline 09-29-20
803 KAR 025:101	11-07-1994	12-21-2000	03-29-2019	Remain in Effect without Amendment
803 KAR 025:110	02-09-1995	01-04-2008	03-29-2019	Remain in Effect without Amendment
803 KAR 025:120	02-19-1995	12-18-2002	03-29-2019	Remain in Effect without Amendment
803 KAR 025:125	10-31-2003	10-31-2003	03-29-2019	Remain in Effect without Amendment
803 KAR 025:130	01-12-1998	01-12-1998	03-29-2019	Remain in Effect without Amendment
803 KAR 025:150	10-19-1995	10-19-1995	03-29-2019	Remain in Effect without Amendment
803 KAR 025:160	03-06-1995	03-06-1995	03-29-2019	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
803 KAR 025:170	12-07-1995	10-07-2005	04-29-2019	To be amended, filing deadline 10-29-20
803 KAR 025:175	12-15-1997	01-05-2004	04-29-2019	To be amended, filing deadline 10-29-20
803 KAR 025:185	01-04-2016	01-04-2016	04-29-2019	To be amended, filing deadline 10-29-20
803 KAR 025:200	07-17-1997	07-17-1997	03-29-2019	Remain in Effect without Amendment
803 KAR 025:210	07-17-1997	07-17-1997	03-29-2019	Remain in Effect without Amendment
803 KAR 025:230	07-17-1997	07-17-1997	03-29-2019	Remain in Effect without Amendment
803 KAR 025:240	02-18-1999	02-18-1999	03-29-2019	To be amended, filing deadline 09-29-20
803 KAR 025:280	06-06-2008	06-06-2008	03-29-2019	Remain in Effect without Amendment
804 KAR 002:005	04-09-1975	08-07-1984	03-26-2019	Remain in Effect without Amendment
804 KAR 004:100	02-05-1975	11-26-2004	03-26-2019	Remain in Effect without Amendment
804 KAR 004:110	02-05-1975	11-29-1990	03-26-2019	Remain in Effect without Amendment
804 KAR 004:270	02-12-1985	02-12-1985	03-26-2019	Remain in Effect without Amendment
804 KAR 004:280	01-03-1986	01-03-1986	03-26-2019	Remain in Effect without Amendment
804 KAR 004:330	02-14-1997	01-05-2007	03-26-2019	Remain in Effect without Amendment
804 KAR 007:020	05-14-1975	05-14-1975	03-26-2019	To be amended. Amendment filed 4-15-19.
804 KAR 007:030	05-14-1975	05-14-1975	03-26-2019	Remain in Effect without Amendment
804 KAR 013:010	11-11-1996	11-11-1996	03-26-2019	Remain in Effect without Amendment
805 KAR 001:020	08-02-1978	09-25-1991	07-03-2018	Remain in Effect without Amendment
805 KAR 001:030	11-13-1975	10-23-2009	06-27-2018	Remain in Effect without Amendment
805 KAR 001:040	04-09-1975	04-09-1975	06-27-2018	Remain in Effect without Amendment
805 KAR 001:050	04-09-1975	09-25-1991	06-27-2018	Remain in Effect without Amendment
805 KAR 001:060	06-11-1975	12-07-2017	06-27-2018	Remain in Effect without Amendment
805 KAR 001:080	06-11-1975	06-11-1975	06-27-2018	Remain in Effect without Amendment
805 KAR 001:100	08-13-1975	09-03-2015	06-27-2018	Remain in Effect without Amendment
805 KAR 001:110	09-01-1984	04-04-2008	06-27-2018	Remain in Effect without Amendment
805 KAR 001:120	09-25-1991	09-25-1991	06-27-2018	Remain in Effect without Amendment
805 KAR 001:130	09-25-1991	09-04-2015	06-27-2018	Remain in Effect without Amendment
805 KAR 001:140	09-25-1991	09-04-2015	06-27-2018	Remain in Effect without Amendment
805 KAR 001:160	07-09-1997	07-09-1997	06-27-2018	Remain in Effect without Amendment
805 KAR 001:170	07-09-1997	09-04-2015	06-27-2018	Remain in Effect without Amendment
805 KAR 001:180	11-12-1997	11-12-1997	06-27-2018	Remain in Effect without Amendment
805 KAR 001:190	03-18-2004	11-17-2009	06-27-2018	Remain in Effect without Amendment
805 KAR 001:200	10-23-2009	10-23-2009	06-27-2018	Remain in Effect without Amendment
805 KAR 002:010	12-11-1974	12-11-1974	06-27-2018	Remain in Effect without Amendment
805 KAR 003:010	05-14-1975	09-22-1993	06-27-2018	Remain in Effect without Amendment
805 KAR 003:020	05-14-1975	07-09-1985	06-27-2018	Remain in Effect without Amendment
805 KAR 003:030	05-14-1975	05-14-1975	06-27-2018	Remain in Effect without Amendment
805 KAR 003:040	05-14-1975	05-14-1975	06-27-2018	Remain in Effect without Amendment
805 KAR 003:060	05-14-1975	05-14-1975	06-27-2018	Remain in Effect without Amendment
805 KAR 003:070	05-14-1975	05-14-1975	06-27-2018	Remain in Effect without Amendment
805 KAR 003:080	05-14-1975	05-14-1975	06-27-2018	Remain in Effect without Amendment
805 KAR 003:090	05-14-1975	05-14-1975	06-27-2018	Remain in Effect without Amendment
805 KAR 003:100	05-14-1975	02-05-2016	06-27-2018	Remain in Effect without Amendment
805 KAR 003:110	05-14-1975	05-14-1975	06-27-2018	Remain in Effect without Amendment
805 KAR 003:120	05-14-1975	05-14-1975	06-27-2018	Remain in Effect without Amendment
805 KAR 004:005	09-01-1976	06-07-1993	06-27-2018	Remain in Effect without Amendment
805 KAR 004:010	06-11-1975	09-16-2002	06-27-2018	Remain in Effect without Amendment
805 KAR 004:020	07-02-1975	07-02-1975	06-27-2018	Remain in Effect without Amendment
805 KAR 004:030	07-02-1975	06-26-1991	06-27-2018	Remain in Effect without Amendment
805 KAR 004:040	06-11-1975	09-16-2002	06-27-2018	Remain in Effect without Amendment
805 KAR 004:050	06-11-1975	06-26-1991	06-27-2018	Remain in Effect without Amendment
805 KAR 004:060	06-11-1975	06-26-1991	06-27-2018	Remain in Effect without Amendment
805 KAR 004:075	09-01-1976	06-26-1991	06-27-2018	Remain in Effect without Amendment
805 KAR 004:080	09-01-1976	09-01-1976	06-27-2018	Remain in Effect without Amendment
805 KAR 004:085	09-01-1976	12-11-1996	06-27-2018	Remain in Effect without Amendment
805 KAR 004:087	03-02-1977	06-26-1991	06-27-2018	Remain in Effect without Amendment
805 KAR 004:090	09-01-1976	09-07-1983	06-27-2018	Remain in Effect without Amendment
805 KAR 004:093	12-11-1996	12-11-1996	06-27-2018	Remain in Effect without Amendment
805 KAR 004:095	09-01-1976	05-03-1978	06-27-2018	Remain in Effect without Amendment
805 KAR 004:100	09-01-1976	09-16-2002	06-27-2018	Remain in Effect without Amendment
805 KAR 004:105	09-01-1976	09-01-1976	06-27-2018	Remain in Effect without Amendment
805 KAR 004:110	09-01-1976	06-26-1991	06-27-2018	Remain in Effect without Amendment
805 KAR 004:115	09-01-1976	05-03-1978	06-27-2018	Remain in Effect without Amendment
805 KAR 004:120	09-01-1976	06-26-1991	06-27-2018	Remain in Effect without Amendment
805 KAR 004:125	09-01-1976	09-16-2002	06-27-2018	Remain in Effect without Amendment
805 KAR 004:130	09-01-1976	09-01-1976	06-27-2018	Remain in Effect without Amendment
805 KAR 004:135	09-01-1976	09-01-1976	06-27-2018	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
805 KAR 004:140	09-01-1976	12-11-1996	06-27-2018	Remain in Effect without Amendment
805 KAR 004:145	09-01-1976	09-01-1976	06-27-2018	Remain in Effect without Amendment
805 KAR 004:150	09-01-1976	09-01-1976	06-27-2018	Remain in Effect without Amendment
805 KAR 004:155	06-26-1991	06-26-1991	06-27-2018	Remain in Effect without Amendment
805 KAR 004:160	06-27-1991	06-26-1991	06-27-2018	Remain in Effect without Amendment
805 KAR 004:165	06-28-1991	06-26-1991	06-27-2018	Remain in Effect without Amendment
805 KAR 005:010	09-01-1976	10-14-1996	06-27-2018	Remain in Effect without Amendment
805 KAR 005:030	11-09-1992	12-11-2009	06-27-2018	Remain in Effect without Amendment
805 KAR 005:070	12-11-1996	12-11-1996	06-27-2018	Remain in Effect without Amendment
805 KAR 007:010	10-05-1977	08-06-2007	06-27-2018	Remain in Effect without Amendment
805 KAR 007:020	10-05-1977	02-02-2018	06-27-2018	Remain in Effect without Amendment
805 KAR 007:030	10-05-1977	02-02-2018	06-27-2018	Remain in Effect without Amendment
805 KAR 007:040	10-05-1977	02-02-2018	06-27-2018	Remain in Effect without Amendment
805 KAR 007:050	10-05-1977	02-02-2018	06-27-2018	Remain in Effect without Amendment
805 KAR 007:060	07-05-1978	02-02-2018	06-27-2018	Remain in Effect without Amendment
805 KAR 007:070	02-07-1979	10-13-1999	06-27-2018	Remain in Effect without Amendment
805 KAR 007:080	12-11-1996	03-06-2009	06-27-2018	Remain in Effect without Amendment
805 KAR 007:090	10-13-1999	10-13-1999	06-27-2018	Remain in Effect without Amendment
805 KAR 007:100	08-06-2007	08-06-2007	06-27-2018	Remain in Effect without Amendment
805 KAR 008:010	09-16-2002	09-16-2002	06-27-2018	Remain in Effect without Amendment
805 KAR 008:030	09-16-2002	02-02-2018	06-27-2018	Remain in Effect without Amendment
805 KAR 008:040	09-16-2002	02-02-2018	06-27-2018	Remain in Effect without Amendment
805 KAR 008:050	09-16-2002	02-02-2018	06-27-2018	Remain in Effect without Amendment
805 KAR 008:060	09-16-2002	09-02-2010	06-27-2018	Remain in Effect without Amendment
805 KAR 009:010	06-08-2005	06-08-2005	06-27-2018	Remain in Effect without Amendment
805 KAR 009:020	06-09-2005	06-08-2005	06-27-2018	Remain in Effect without Amendment
805 KAR 009:030	06-10-2005	06-08-2005	06-27-2018	Remain in Effect without Amendment
805 KAR 009:050	06-11-2005	06-08-2005	06-27-2018	Remain in Effect without Amendment
805 KAR 009:060	06-12-2005	06-08-2005	06-27-2018	Remain in Effect without Amendment
805 KAR 009:070	06-13-2005	06-08-2005	06-27-2018	Remain in Effect without Amendment
805 KAR 009:080	06-14-2005	06-08-2005	06-27-2018	Remain in Effect without Amendment
805 KAR 009:090	06-15-2005	06-08-2005	06-27-2018	Remain in Effect without Amendment
805 KAR 009:100	06-16-2005	06-08-2005	06-27-2018	Remain in Effect without Amendment
805 KAR 011:001	08-23-2007	08-23-2007	06-27-2018	Remain in Effect without Amendment
805 KAR 011:010	08-23-2007	08-23-2007	06-27-2018	Remain in Effect without Amendment
805 KAR 011:020	08-23-2007	08-23-2007	06-27-2018	Remain in Effect without Amendment
807 KAR 005:001	04-07-1982	10-31-2014	03-27-2019	Remain in Effect without Amendment
807 KAR 005:006	04-07-1982	01-04-2013	03-27-2019	Remain in Effect without Amendment
807 KAR 005:007	08-20-1999	08-20-1999	03-27-2019	Remain in Effect without Amendment
807 KAR 005:011	06-02-1982	10-31-2014	03-27-2019	Remain in Effect without Amendment
807 KAR 005:013	09-25-1995	09-25-1995	03-27-2019	Remain in Effect without Amendment
807 KAR 005:016	04-07-1982	04-07-1982	03-27-2019	Remain in Effect without Amendment
807 KAR 005:022	03-31-1984	08-06-2018	03-27-2019	Remain in Effect without Amendment
807 KAR 005:026	04-07-1982	08-06-2018	03-27-2019	Remain in Effect without Amendment
807 KAR 005:027	01-06-1983	05-04-2018	03-27-2019	Remain in Effect without Amendment
807 KAR 005:041	04-07-1982	04-04-1991	03-27-2019	Remain in Effect without Amendment
807 KAR 005:046	04-07-1982	04-07-1982	03-27-2019	Remain in Effect without Amendment
807 KAR 005:054	04-07-1982	03-08-1990	03-27-2019	Remain in Effect without Amendment
807 KAR 005:056	04-07-1982	04-07-1982	03-27-2019	Remain in Effect without Amendment
807 KAR 005:058	12-18-1990	07-21-1995	03-27-2019	Remain in Effect without Amendment
807 KAR 005:061	04-07-1982	04-04-1991	03-27-2019	Remain in Effect without Amendment
807 KAR 005:062	07-18-1996	07-19-1996	03-27-2019	Remain in Effect without Amendment
807 KAR 005:063	08-27-1997	10-09-2002	03-27-2019	Remain in Effect without Amendment
807 KAR 005:066	04-07-1982	06-07-1992	03-27-2019	Remain in Effect without Amendment
807 KAR 005:067	09-02-1981	10-18-2013	03-27-2019	Remain in Effect without Amendment
807 KAR 005:068	07-02-1986	10-31-2014	03-27-2019	Remain in Effect without Amendment
807 KAR 005:069	11-04-1988	10-31-2014	03-27-2019	Remain in Effect without Amendment
807 KAR 005:070	05-19-1999	05-19-1999	03-27-2019	Remain in Effect without Amendment
807 KAR 005:071	04-07-1982	04-07-1982	03-27-2019	Remain in Effect without Amendment
807 KAR 005:075	07-02-1986	10-31-2014	03-27-2019	Remain in Effect without Amendment
807 KAR 005:076	04-07-1982	10-31-2014	03-27-2019	Remain in Effect without Amendment
807 KAR 005:080	12-19-2001	12-19-2001	03-27-2019	Remain in Effect without Amendment
807 KAR 005:090	04-15-2002	04-15-2002	03-27-2019	Remain in Effect without Amendment
807 KAR 005:095	11-13-2002	11-13-2002	03-27-2019	Remain in Effect without Amendment
807 KAR 005:100	10-09-2002	01-06-2012	04-01-2019	Remain in Effect without Amendment
807 KAR 005:110	10-09-2002	10-31-2014	04-01-2019	Remain in Effect without Amendment
807 KAR 005:120	01-14-2005	10-31-2014	03-27-2019	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
810 KAR 001:001	05-14-1976	07-01-2011	03-18-2019	To be amended, filing deadline 09-18-20
810 KAR 001:011	05-14-1976	07-01-2011	03-18-2019	To be amended, filing deadline 09-18-20
810 KAR 001:120	07-01-2011	07-01-2011	03-18-2019	To be amended, filing deadline 09-18-20
811 KAR 001:005	06-11-1975	07-01-2011	03-18-2019	To be amended, filing deadline 09-18-20
811 KAR 001:125	06-11-1976	07-01-2011	03-18-2019	To be amended, filing deadline 09-18-20
811 KAR 001:250	07-01-2011	07-01-2011	03-18-2019	To be amended, filing deadline 09-18-20
811 KAR 002:010	03-10-1976	07-01-2011	03-18-2019	To be amended, filing deadline 09-18-20
811 KAR 002:060	03-10-1976	07-01-2011	03-18-2019	To be amended, filing deadline 09-18-20
811 KAR 002:120	05-04-2007	07-06-2009	03-18-2019	To be amended, filing deadline 09-18-20
811 KAR 002:160	07-01-2011	07-01-2011	03-18-2019	To be amended, filing deadline 09-18-20
825 KAR 001:020	06-14-2002	12-07-2006	08-06-2018	Remain in Effect without Amendment
825 KAR 001:030	11-12-2002	11-12-2002	08-06-2018	Remain in Effect without Amendment
900 KAR 002:010	12-01-1982	01-12-1990	03-22-2019	Remain in Effect without Amendment
900 KAR 002:060	03-07-1992	03-07-1992	03-22-2019	Remain in Effect without Amendment
900 KAR 006:040	12-18-1996	12-18-1996	07-30-2018	Remain in Effect without Amendment
900 KAR 006:080	10-21-2009	11-16-2011	05-07-2019	Remain in Effect without Amendment
900 KAR 006:085	10-21-2009	11-09-2012	05-07-2019	Remain in Effect without Amendment
900 KAR 006:105	10-21-2009	10-21-2009	05-07-2019	Remain in Effect without Amendment
900 KAR 006:110	10-21-2009	10-21-2009	05-07-2019	Remain in Effect without Amendment
900 KAR 006:115	10-21-2009	10-21-2009	05-07-2019	Remain in Effect without Amendment
901 KAR 005:010	04-09-1975	07-16-2001	04-05-2019	Remain in Effect without Amendment
901 KAR 005:020	04-10-1975	02-02-2007	04-05-2019	Remain in Effect without Amendment
901 KAR 005:040	04-09-1975	01-12-1990	04-05-2019	Remain in Effect without Amendment
901 KAR 005:050	04-09-1975	02-01-2001	04-05-2019	Remain in Effect without Amendment
901 KAR 005:070	04-09-1975	01-10-1994	04-05-2019	Remain in Effect without Amendment
901 KAR 005:080	04-09-1975	10-21-1993	04-05-2019	Remain in Effect without Amendment
901 KAR 005:090	07-02-1975	10-21-1993	04-05-2019	Remain in Effect without Amendment
901 KAR 005:100	09-05-1979	01-12-1990	04-05-2019	Remain in Effect without Amendment
902 KAR 004:130	08-15-2001	08-15-2001	04-25-2019	Remain in Effect without Amendment
902 KAR 008:040	09-03-1993	04-01-2011	03-22-2019	To be amended, filing deadline 09-22-20
902 KAR 008:060	09-03-1993	04-01-2011	03-22-2019	To be amended, filing deadline 09-22-20
902 KAR 008:070	09-03-1993	04-01-2011	03-22-2019	To be amended, filing deadline 09-22-20
902 KAR 008:080	09-03-1993	04-01-2011	03-22-2019	To be amended, filing deadline 09-22-20
902 KAR 008:090	09-03-1993	04-01-2011	03-22-2019	To be amended, filing deadline 09-22-20
902 KAR 008:096	03-09-2006	04-01-2011	03-22-2019	To be amended, filing deadline 09-22-20
902 KAR 008:100	09-03-1993	04-01-2011	03-22-2019	To be amended, filing deadline 09-22-20
902 KAR 008:110	09-03-1993	04-01-2011	03-22-2019	To be amended, filing deadline 09-22-20
902 KAR 008:120	09-03-1993	04-01-2011	03-22-2019	To be amended, filing deadline 09-22-20
902 KAR 008:140	09-03-1993	04-01-2011	03-22-2019	To be amended, filing deadline 09-22-20
902 KAR 010:081	03-04-1986	09-21-1988	04-05-2019	Remain in Effect without Amendment
902 KAR 011:010	05-04-1977	03-14-1994	03-22-2019	Remain in Effect without Amendment
902 KAR 011:020	05-04-1977	03-14-1994	03-22-2019	Remain in Effect without Amendment
902 KAR 011:030	05-04-1977	03-14-1994	03-22-2019	Remain in Effect without Amendment
902 KAR 011:035	05-04-1977	03-14-1994	03-22-2019	Remain in Effect without Amendment
902 KAR 011:040	05-04-1977	03-14-1994	03-22-2019	Remain in Effect without Amendment
902 KAR 011:045	05-04-1977	03-14-1994	03-22-2019	Remain in Effect without Amendment
902 KAR 011:050	05-04-1977	03-14-1994	03-22-2019	Remain in Effect without Amendment
902 KAR 020:009	04-13-1998	12-12-2007	01-11-2019	Remain in Effect without Amendment
902 KAR 020:012	08-05-1981	01-12-1990	01-11-2019	Remain in Effect without Amendment
902 KAR 020:018	11-05-1981	03-14-2002	01-11-2019	Remain in Effect without Amendment
902 KAR 020:031	11-05-1981	01-12-1990	04-30-2019	Remain in Effect without Amendment
902 KAR 020:036	11-05-1981	01-19-1999	04-30-2019	Remain in Effect without Amendment
902 KAR 020:041	11-05-1981	03-17-1999	04-30-2019	Remain in Effect without Amendment
902 KAR 020:046	01-06-1982	01-12-1990	04-30-2019	Remain in Effect without Amendment
902 KAR 020:048	04-07-1982	08-17-1998	04-30-2019	Remain in Effect without Amendment
902 KAR 020:051	04-07-1982	08-17-1998	04-30-2019	Remain in Effect without Amendment
902 KAR 020:056	11-05-1981	01-12-1990	04-30-2019	Remain in Effect without Amendment
902 KAR 020:066	11-05-1981	06-08-2001	04-30-2019	Remain in Effect without Amendment
902 KAR 020:074	10-13-2006	10-13-2006	04-30-2019	Remain in Effect without Amendment
902 KAR 020:078	01-06-1982	05-19-1999	04-30-2019	Remain in Effect without Amendment
902 KAR 020:086	02-01-1982	12-18-1990	04-30-2019	Remain in Effect without Amendment
902 KAR 020:101	11-05-1981	01-12-1990	04-30-2019	Remain in Effect without Amendment
902 KAR 020:106	11-05-1981	06-05-2009	04-30-2019	Remain in Effect without Amendment
902 KAR 020:140	04-07-1982	08-18-1999	04-30-2019	Remain in Effect without Amendment
902 KAR 020:150	08-11-1982	01-12-1990	04-30-2019	Remain in Effect without Amendment
902 KAR 020:170	07-06-1983	01-12-1990	04-30-2019	Remain in Effect without Amendment
902 KAR 020:230	09-10-1987	10-16-1991	04-30-2019	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	First Effective Date	Effective Date* of Last 13A Review	Letter Filed Date	Action
902 KAR 020:240	09-10-1987	03-01-2007	04-30-2019	Remain in Effect without Amendment
902 KAR 020:291	06-07-1993	06-07-1993	05-07-2019	Remain in Effect without Amendment
902 KAR 020:310	05-03-1991	05-03-1991	04-30-2019	Remain in Effect without Amendment
902 KAR 020:330	03-12-1991	05-06-2011	05-07-2019	Remain in Effect without Amendment
902 KAR 020:350	12-06-1993	08-01-1996	04-25-2019	Remain in Effect without Amendment
902 KAR 020:370	10-17-2001	10-17-2001	04-30-2019	Remain in Effect without Amendment
902 KAR 020:380	12-18-2002	12-18-2002	04-30-2019	Remain in Effect without Amendment
902 KAR 020:390	10-18-2006	10-18-2006	04-30-2019	Remain in Effect without Amendment
902 KAR 020:410	03-04-2011	03-04-2011	01-11-2019	Remain in Effect without Amendment
902 KAR 045:150	10-09-1984	10-15-2008	04-05-2019	Remain in Effect without Amendment
902 KAR 047:010	06-01-1977	03-14-1994	03-22-2019	Remain in Effect without Amendment
902 KAR 047:020	06-01-1977	03-14-1994	03-22-2019	Remain in Effect without Amendment
902 KAR 047:030	06-01-1977	03-14-1994	03-22-2019	Remain in Effect without Amendment
902 KAR 047:200	08-12-2009	08-12-2009	03-22-2019	Remain in Effect without Amendment
902 KAR 048:020	02-07-2002	02-07-2002	01-11-2019	Remain in Effect without Amendment
902 KAR 048:030	02-07-2002	02-07-2002	01-11-2019	Remain in Effect without Amendment
902 KAR 048:040	02-07-2002	02-07-2002	01-11-2019	Remain in Effect without Amendment
902 KAR 050:002	04-14-1976	10-21-1993	10-21-1993	To be amended, filing deadline 10-25-20
902 KAR 050:005	04-14-1976	10-21-1993	10-21-1993	To be amended, filing deadline 10-25-20
902 KAR 050:010	01-08-1975	01-10-1992	01-10-1992	To be amended, filing deadline 10-25-20
902 KAR 050:031	03-14-1994	03-14-1994	03-14-1994	To be amended, filing deadline 10-25-20
902 KAR 050:032	03-14-1994	03-14-1994	03-14-1994	To be amended, filing deadline 10-25-20
902 KAR 050:033	03-14-1994	03-14-1994	03-14-1994	To be amended, filing deadline 10-25-20
902 KAR 050:040	01-08-1975	03-14-1994	03-14-1994	To be amended, filing deadline 10-25-20
902 KAR 050:050	01-08-1975	08-13-2003	08-13-2003	To be amended, filing deadline 10-25-20
902 KAR 050:070	01-08-1975	01-10-1992	01-10-1992	To be amended, filing deadline 10-25-20
902 KAR 050:080	01-08-1975	03-14-1994	03-14-1994	To be amended, filing deadline 10-25-20
902 KAR 050:090	05-21-1984	01-10-1992	01-10-1992	To be amended, filing deadline 10-25-20
902 KAR 050:120	09-21-1988	03-14-1994	03-14-1994	To be amended, filing deadline 10-25-20
902 KAR 055:060	06-03-1981	01-10-1994	01-11-2019	Remain in Effect without Amendment
902 KAR 055:065	03-15-1989	03-14-1994	01-11-2019	Remain in Effect without Amendment
902 KAR 055:070	12-13-1988	04-06-2007	05-07-2019	Remain in Effect without Amendment
902 KAR 055:080	07-17-1991	07-17-1991	01-11-2019	Remain in Effect without Amendment
902 KAR 055:105	12-16-1998	12-16-1998	01-11-2019	Remain in Effect without Amendment
902 KAR 055:115	12-16-1998	12-16-1998	01-11-2019	Remain in Effect without Amendment
902 KAR 115:020	07-26-1995	11-20-1996	04-05-2019	Remain in Effect without Amendment
906 KAR 001:040	11-04-1988	12-18-1986	04-30-2019	Remain in Effect without Amendment
906 KAR 001:100	03-07-1992	09-01-2006	01-11-2019	Remain in Effect without Amendment
906 KAR 001:110	08-28-1992	07-24-2006	01-11-2019	Remain in Effect without Amendment
906 KAR 001:120	02-17-1998	01-23-2004	01-11-2019	Remain in Effect without Amendment
906 KAR 001:140	10-15-2003	10-15-2003	01-11-2019	Remain in Effect without Amendment
906 KAR 001:160	02-01-2008	10-17-2012	01-11-2019	Remain in Effect without Amendment
906 KAR 001:170	01-05-2009	01-05-2009	01-11-2019	Remain in Effect without Amendment
906 KAR 001:180	06-04-2010	06-04-2010	01-11-2019	Remain in Effect without Amendment
907 KAR 001:260	06-28-1984	01-10-1992	07-23-2018	Remain in Effect without Amendment
907 KAR 001:680	07-26-1995	07-16-2003	07-23-2018	Remain in Effect without Amendment
907 KAR 001:720	11-14-1997	08-12-2002	07-23-2018	Remain in Effect without Amendment
907 KAR 001:755	04-21-1999	04-21-1999	07-23-2018	Remain in Effect without Amendment
907 KAR 001:780	08-18-1999	08-18-1999	07-23-2018	Remain in Effect without Amendment
907 KAR 003:100	08-16-1999	12-02-2010	07-23-2018	Remain in Effect without Amendment
907 KAR 003:125	03-06-2001	01-05-2007	07-23-2018	Remain in Effect without Amendment
907 KAR 003:225	11-01-2013	11-01-2013	07-23-2018	Remain in Effect without Amendment
907 KAR 003:230	11-01-2013	11-01-2013	07-23-2018	Remain in Effect without Amendment
907 KAR 005:005	11-05-2010	11-05-2010	07-23-2018	Remain in Effect without Amendment
907 KAR 006:005	05-06-2011	05-06-2011	07-23-2018	Remain in Effect without Amendment
907 KAR 010:815	06-06-2008	06-06-2008	07-23-2018	Remain in Effect without Amendment
907 KAR 014:005	10-21-2009	01-14-2013	07-23-2018	Remain in Effect without Amendment
910 KAR 001:200	01-10-1992	04-01-2011	08-10-2018	Remain in Effect without Amendment
910 KAR 001:260	12-01-2006	12-11-2012	08-10-2018	Remain in Effect without Amendment
910 KAR 003:020	05-01-2009	05-01-2009	08-10-2018	Remain in Effect without Amendment
920 KAR 001:060	08-18-1999	03-01-2007	07-23-2018	Remain in Effect without Amendment
920 KAR 001:070	06-09-1994	03-05-2010	05-29-2019	Remain in Effect without Amendment
920 KAR 001:090	03-05-2010	03-05-2010	05-29-2019	Remain in Effect without Amendment

TECHNICAL AMENDMENT INDEX

The Technical Amendment Index is a list of administrative regulations that have had technical, nonsubstantive amendments entered since being published in the *2017 Kentucky Administrative Regulations Service*. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10), 13A.2255(2), 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 to show the technical corrections in the *Administrative Register of Kentucky*. NOTE: Copies of the technical amendments are usually posted on the Legislative Research Commission Web site for a short time before they are finalized. Regulations are available for viewing on the Legislative Research Commission Web site at https://legislature.ky.gov/law/kar/pages/default.aspx.

‡ - A technical change was made to this administrative regulation during the promulgation process, pursuant to KRS 13A.320(1)(e).

Regulation Number	Date Corrected
009 KAR 001:050	09-12-2018
016 KAR 009:040	09-12-2018
020 KAR 001:010	08-14-2018
103 KAR 001:010	09-12-2018
103 KAR 015:180	02-07-2019
103 KAR 016:320	07-16-2018
103 KAR 018:020	07-16-2018
103 KAR 018:090	07-16-2018
104 KAR 001:020	09-12-2018
104 KAR 001:040	09-12-2018
200 KAR 005:365	09-12-2018
200 KAR 012:030	09-12-2018
200 KAR 021:020	11-15-2018
200 KAR 021:040	11-15-2018
200 KAR 021:050	11-15-2018
201 KAR 046:081	09-28-2018
301 KAR 002:132	09-12-2018
401 KAR 039:005	07-09-2018
401 KAR 045:020	10-15-2018
401 KAR 045:025	10-15-2018
401 KAR 045:030	10-15-2018
401 KAR 045:090	10-15-2018
401 KAR 045:130	10-15-2018
401 KAR 045:250	10-15-2018
401 KAR 048:090	10-15-2018
401 KAR 048:200	10-15-2018
401 KAR 048:300	10-15-2018
401 KAR 048:310	10-15-2018
401 KAR 052:020	02-14-2019
401 KAR 052:040	02-14-2019
401 KAR 059:023	02-14-2019
401 KAR 059:046	02-14-2019
401 KAR 059:101	02-14-2019
401 KAR 059:190	02-14-2019
401 KAR 059:210	02-14-2019
401 KAR 059:212	02-14-2019
401 KAR 059:214	02-14-2019
401 KAR 059:225	02-14-2019
401 KAR 059:230	02-14-2019
401 KAR 059:240	02-14-2019
401 KAR 059:315	02-14-2019
401 KAR 061:011	02-14-2019
401 KAR 061:013	02-14-2019
401 KAR 061:045	02-14-2019
401 KAR 061:050	02-14-2019
401 KAR 061:056	02-14-2019
401 KAR 061:060	02-14-2019
401 KAR 061:085	02-14-2019
401 KAR 061:090	02-14-2019
401 KAR 061:095	02-14-2019
401 KAR 061:100	02-14-2019
401 KAR 061:105	02-14-2019
401 KAR 061:110	02-14-2019
401 KAR 061:120	02-14-2019
401 KAR 061:124	02-14-2019
401 KAR 061:125	02-14-2019
401 KAR 061:130	02-14-2019
401 KAR 061:132	02-14-2019
401 KAR 061:135	02-14-2019
401 KAR 061:137	02-14-2019
401 KAR 061:150	02-14-2019
401 KAR 061:155	02-14-2019
401 KAR 061:160	02-14-2019
401 KAR 061:170	02-14-2019
401 KAR 061:175	02-14-2019
401 KAR 063:010	02-14-2019
401 KAR 063:021	02-14-2019
703 KAR 005:280	09-10-2018
804 KAR 004:370	08-01-2018
831 KAR 001:030	11-13-2018
831 KAR 002:001	04-18-2019
831 KAR 002:020	04-18-2019
831 KAR 002:030	04-18-2019
831 KAR 002:040	04-18-2019
900 KAR 006:040	08-02-2018
900 KAR 011:010	07-13-2018
901 KAR 005:120	01-25-2019
902 KAR 030:180	07-18-2018
902 KAR 048:020	09-13-2018
902 KAR 048:030	09-13-2018
	01-25-2019
907 KAR 017:020	06-05-2018
908 KAR 002:250	09-17-2018
910 KAR 001:240	09-17-2018
920 KAR 001:060	07-25-2018
921 KAR 001:400	08-22-2018
921 KAR 001:410	08-22-2018
922 KAR 001:330	03-27-2018
922 KAR 002:100	04-24-2019

SUBJECT INDEX

ACCOUNTANCY, BOARD OF
Expungement of minor violation; 201 KAR 001:310
Rules of professional conduct; 201 KAR 001:300
Standards of Practice; 201 KAR 001:290

AGING AND INDEPENDENT LIVING
Aging Services
Certification of assisted-living communities; 910 KAR 001:240
Personal care attendant program and assistance services; 910 KAR 1:090
Guardianship
Referral process for adult guardianship; 910 KAR 002:020
Service provisions for adult guardianship; 910 KAR 002:040

AGRICULTURE
Agricultural Pest Control
Certification and licensing, pesticides; 302 KAR 027:050
Definitions for 302 KAR Chapter 027; 302 KAR 027:010
Fine schedule for violation of KRS 217B.120; 302 KAR 027:060
General provisions; 302 KAR 027:020
Prison inmates, pesticide licenses for; 302 KAR 027:040
Repeal of 302 KAR 027:030; 302 KAR 027:031
Animal Control Officers
Training requirements for Kentucky Animal Control Officers; 302 KAR 101:010
Amusement Rides
Business identification number required; 302 KAR 016:010
Correction of safety violations and right to re-inspection; 302 KAR 016:040
Inflatable rides or attractions; 302 KAR 016:121
Inspection and operation of amusement rides or amusement attractions; 302 KAR 016:020
Maintenance and repair of amusement ride or attractions; 302 KAR 016:131
Operate amusement ride or device defined; 302 KAR 016:101
Reports of injuries involving amusement rides and amusement attractions; 302 KAR 016:070
Rides and attractions not included in the definition of amusement ride or attraction; 302 KAR 016:091
Violations, civil penalties, revocations, and suspensions of business identification number; 302 KAR 016:111
Industrial Hemp
Enforcement, corrective action plans, and mandatory reporting to state and federal agencies, department to retain growing site information for at least three (3) years; 302 KAR 050:090
Materials incorporated by reference; 302 KAR 050:080
Livestock Sanitation
Repeal of 302 KAR 020:210; 302 KAR 020:210
Repeal of 302 KAR 020:220; 302 KAR 020:221
Repeal of 302 KAR 020:231; 302 KAR 020:231
Repeal of 302 KAR 020:054; 302 KAR 020:541
Repeal of 302 KAR 020:561; 302 KAR 020:561
Repeal of 302 KAR 020:057; 302 KAR 020:571
Repeal of 302 KAR 020:058; 302 KAR 020:581
Office of the Commissioner
Repeal of 302 KAR 003:010; 302 KAR 003:011
Ornamental Turf Lawn and Interior Plantscape Pest Control
Certification and licensing, pesticides; 302 KAR 028:050.
Definitions for 302 KAR Chapter 028; 302 KAR 028:010
General provisions; 302 KAR 028:020
Fine schedule violation of KRS 217B.120; 302 KAR 028:060
Ornamental and interior plantscape posting; 302 KAR 028:030
Prison inmates, pesticide licenses for; 302 KAR 028:040
Purchase of Agricultural Conservation Easement Corporation;
Repeal of 302 KAR 100:010; 302 KAR 100:011
Repeal of 302 KAR 100:020; 302 KAR 100:021
Referendums
Repeal of 302 KAR 001:010, 302 KAR 001:020, 302 KAR 001:030, 302 KAR 001:035, 302 KAR 001:040, 302 KAR 001:050, 302 KAR 001:055, 302 KAR 001:070, and 302 KAR 001:080; 302 KAR 001:011
Regulation and Inspection
Repeal of 302 KAR 077:010 and 302 KAR 077:030; 302 KAR 077:011
Repeal of 302 KAR 078:020; 302 KAR 078:021
Structural Pest Control
General provisions; 302 KAR 29:020
Weights and Measures
Requirements to establish fee schedules for calibrations, adjustments, weights and measures; 302 KAR 085:010

AGRICULTURE EXPERIMENT STATION
Commercial Feeds
Brand and product names; 012 KAR 002:016
Definitions for 12 KAR Chapter 2; 012 KAR 002:006
Directions for use and precautionary statements; 012 KAR 002:031
Drug and feed additives; 012 KAR 002:041
Expression of guarantees; 012 KAR 002:021
Guaranteed analysis; 012 KAR 002:018
Ingredients; 012 KAR 002:026
Label format; 012 KAR 002:011
List of manufacturers; 012 KAR 002:056
Manufacturing conditions; 012 KAR 002:051
Non-protein; 012 KAR 002:036
Poisonous or deleterious substances; 012 KAR 002:046
Product purpose statement; 012 KAR 002:017
Registration; 012 KAR 002:061
Suitability; 012 KAR 002:066
Pet food
Additives, drugs and pet food; 012 KAR 003:037
Brand and product names; 012 KAR 003:017
Calorie content, statements of; 012 KAR 003:042
Definitions; 012 KAR 003:007
Descriptive terms; 012 KAR 003:028
Feeding directions; 012 KAR 003:032
Guarantees, expression of; 012 KAR 003:022
Ingredients; 012 KAR 003:027
Label format and labeling; 012 KAR 003:012
Nutritional adequacy; 012 KAR 003:039

ALCOHOLIC BEVERAGE CONTROL
Advertising Distilled Spirits and Wine
Consumer sampling events; 804 KAR 001:110
Product development and marketing samples; 804 KAR 001:070
Prohibited alcoholic beverage advertisements; 804 KAR 001:030
Advertising Malt Beverages
Repeal of 804 KAR 002:015; 804 KAR 002:016
Conduct of Business; Employees
Repeal of 804 KAR 005:020; 804 KAR 005:021
Licensing
Repeal of 804 KAR 004:010; 804 KAR 004:011
Malt Beverage, Equipment, Supplies, and Service
Repeal of 804 KAR 011:030; 804 KAR 011:031
Retail Premises
Alcoholic beverage inventory during prohibited alcoholic beverage sales period; 804 KAR 007:020
Repeal of 804 KAR 007:030; 804 KAR 007:031
Transportation of Alcoholic Beverages
Identification of vehicles used to transport alcoholic beverages; 804 KAR 008:050

AUCTIONEERS, KENTUCKY BOARD OF
Education requirements; 831 KAR 001:030
Licensing fees and applications; 831 KAR 001:010
Standards of conduct and complaints; 831 KAR 001:020

AUDITOR OF PUBLIC ACCOUNTS
Audits
Audits and fiscal courts; 045 KAR 001:050

ATTORNEY GENERAL
Office of Consumer Protection
Visual aid glasses seller annual registration requirements; 40 KAR 002:245

BEHAVIORAL HEALTH, DEVELOPMENTAL AND INTELLECTUAL DISABILITIES
Substance Abuse
Licensing procedures, fees, and general requirements for nonhospital-based alcohol and other drug treatment entities; 908 KAR 001:370
Licensure of nonhospital-based outpatient alcohol and other drug treatment entities; 908 KAR 001:374
Licensure of residential alcohol and other drug treatment entities; 908 KAR 001:372
Repeal of 908 KAR 001:340; 908 KAR 001:341

BOARDS AND COMMISSIONS
See also Occupations and Professions
See listing below for specific subject headings:
Board of Accountancy; 201 KAR Chapter 001
Boxing and Wrestling Commission; 201 KAR Chapter 027
Cosmetology, 201 KAR Chapter 012
Chiropractic Examiners; 201 KAR Chapter 021
Dentistry; 201 KAR Chapter 008
Licensure for Long-Term Care Administrators; Chapter 006
Licensure for Marriage and Family Therapists; Chapter 032
Medical Imaging and Radiation Therapy; 201 KAR Chapter 047
Medical Licensure; 201 KAR Chapter 009
Nursing; 201 KAR Chapter 020
Occupational Therapy; 201 KAR Chapter 028
Ophthalmic Dispensers; 201 KAR Chapter 013
Optometric Examiners; 201 KAR Chapter 005
Pharmacy; 201 KAR Chapter 002
Physical Therapy; 201 KAR Chapter 022
Podiatry; 201 KAR Chapter 025
Private Investigators; Chapter 041
Psychology; 201 KAR Chapter 026
Social Work; 201 KAR Chapter 023

BOXING AND WRESTLING COMMISSION
Definitions for 201 KAR Chapter 027; 201 KAR 027:005
General requirements for boxing and kickboxing shows; 201 KAR 027:011
General requirements for mixed martial arts matches, shows, or exhibitions; 201 KAR 027:016
License requirements and fees; 201 KAR 027:008
Repeal of 201 KAR 027:017; 201 KAR 027:022
Tickets; 201 KAR 027:020

CHIROPRACTIC EXAMINERS
Code of ethical conduct and standards of practice; 201 KAR 021:015
Specialties; 201 KAR 021:045

CLAIMS COMMISSION
Tax Appeals
Tax appeal procedures; 802 KAR 001:010

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Allocation of block grant funding assistance for emergency medical services; 202 KAR 007:520
Ground vehicle staff; 202 KAR 007:560
Posting of fee schedules of licensed ambulance providers; 202 KAR 007:575

COMMUNITY BASED SERVICES
Child Welfare
Authorization for disclosure of protection and permanency records; 922 KAR 001:510
Central registry; 922 KAR 001:470
Educational and training vouchers; 922 KAR 001:500
Foster care and adoption permanency services; 922 KAR 001:140
Federal Title IV-E adoption assistance; 922 KAR 001:060
Foster care and adoption permanency services; 922 KAR 001:140
Independent non-relative adoptions; 922 KAR 001:010
Licensure of child-caring facilities and child-placing agencies; 922 KAR 001:305
Post-adoption placement stabilization services; 922 KAR 001:530
Private child care placement, levels of care, and payment; 922 KAR 001:36
Public agency adoptions922 KAR 001:100
Putative father registry and operating procedures; 922 KAR 001:560
Repeal of 922 KAR 001:410; 922 KAR 001:411
Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers; 922 KAR 001:350
Service array for a relative or fictive kin caregiver; 922 KAR 001:565
Standards for child-placing agencies; 922 KAR 001:310
State funded adoption assistance; 922 KAR 001:050
Training requirements for foster parents, adoptive parents, and respite care providers for children in the custody of the cabinet; 922 KAR 001:495
Day Care
Health and safety standards for centers; 922 KAR 002:120
Child Care Assistance Program; 922 KAR 002:160
Child care Assistance Program; Requirements for registered providers; 922 KAR 002:180
Civil penalties; 922 KAR 002:190
Kentucky All STARS quality-based graduated early childhood rating system for licensed child-care centers and certified family child-care homes; 922 KAR 002:270
Family Support
Child Support Enforcement Program application and intergovernmental process; 921 KAR 001:380
K-TAP, Kentucky Works, Welfare to Work, State Supplementation
Hearings and appeals; 921 KAR 002:055
Supplemental programs for persons who are aged, blind, or have a disability; 921 KAR 0023:015
Supplemental Nutrition Assistance Program
Administrative disqualification hearings and penalties; 921 KAR 003:060
Application process; 921 KAR 003:030
Certification process; 921 KAR 003:035
Claims and additional administrative provisions; 921 KAR 003:050
Fair hearings; 921 KAR 003:070
Technical requirements; 921 KAR 003:025

CORRECTIONS
Corrections policies and procedures; 501 KAR 006:020

COSMETOLOGY
Education requirements and school administration; 201 KAR 012:082
Esthetic practices restrictions; 201 KAR 012:280
Fees; 201 KAR 012:260
Licensing, permits, and examinations; 201 KAR 012:030
Repeal of 201 KAR 012:085, 012: 088, 012:120, 012:180, 012:250; 201 KAR 012:251

DEAF AND HARD OF HEARING
Interpreter Referral Services
Definitions for 735 KAR Chapter 2; 735 KAR 002:010
Grievance procedures; 735 KAR 002:060
Interpreter qualifications; 735 KAR 002:030
Interpreter protocols; 735 KAR 002:040
KCDHH Interpreter Referral Services Program parameters; 735 KAR 002:020
Processing of requests for services; 735 KAR 002:050
Telecommunication Devices for the Deaf
Eligibility requirements, application and certification procedures to receive specialized equipment for the deaf, hard of hearing, and speech impaired; 735 KAR 001:010
Processing system - vendor participation, security, maintenance, repair for specialized equipment; 735 KAR 001:020

DENTISTRY
Charity dental practices; 201 KAR 008:581

EDUCATION
Academic Standards
Kentucky Academic Standards for Computer Science Elective; 704 KAR 008:010
Kentucky Academic Standards for Health; 704 KAR 008:030
Kentucky Academic Standards for Mathematics; 704 KAR 008:040
Kentucky Academic Standards for Reading and Writing; 704 KAR 008:020
Kentucky Academic Standards for Physical Education; 704 KAR 008:050
Required Academic Standards for Social Studies; 704 KAR 008:060
Assessment and Accountability
Improvement planning for schools and districts; 703 KAR 005:225
Improvement procedures, schools; 703 KAR 005:280
Repeal of 703 KAR 005:200; 703 KAR 005:211
General Administration
School health services; 702 KAR 001:160
Instruction, Office of
All STARS for Preschool programs; 704 KAR 3:015
Bible Elective Social Studies course; 704 KAR 3:306
Complaint procedures for programs under the Elementary and Secondary Education act of 1965; 704 KAR 003:365
Education of migratory children; 704 KAR 003:292
Minimum requirements for high school graduation; 704 KAR 003:305
Required academic standards; 704 KAR 003:303
Office of Chief State School Officer
District of innovation; 701 KAR 005:140
Nontraditional Instruction Program; 701 KAR 005:150
Office of Learning Support Services
Repeal of 704 KAR 007:080; 704 KAR 007:081
Pupil Transportation
Kentucky's Accountability System; 703 KAR 005:270
School Terms, Attendance, and Operation
Designation of agent to manage middle and high school interscholastic athletics; 702 KAR 007:065

EDUCATION AND WORKFORCE DEVELOPMENT
For Education, see listing below:
Board of Education; KAR Title 701, 702
Education Professional Standards Board; KAR Title 16
Education; KAR Title 704 *(See Education)*
Higher Education Assistance Authority; KAR Title 11 *(See Higher Education Assistance Authority)*
Workforce Development, KAR Title 787 *(See Workforce Development)*
For Workforce Development, see listing below:
Workplace Standards; KAR Title 803 *(See Workplace Standards)*

EDUCATION PROFESSIONAL STANDARDS BOARD
Administrative Certificates
Certifications for advanced educational leaders; 016 KAR 003:090
Repeal of 016 KAR 003:010, 016 KAR 003:020, 016 KAR 003:040, and 016 KAR 003:050; 016 KAR 003:011
Advanced Certification and Rank
Continuing education option for rank change; 016 KAR 008:030
Part-time adjunct instructor certificate; 016 KAR 009:040
Teaching certificates
Junior reserve officers training corps; 016 KAR 002:100
Provisional and professional certificate for orientation and mobility specialist; 016 KAR 002:210

ELECTION FINANCE
Election finance statement forms; campaign contributions or expenditures in excess of $3,000; 032 KAR 001:030
Political organization registration; 032 KAR 001:050
Waiver from filing candidate election finance statement; 032 KAR 001:070

ELECTIONS
Forms and Procedures
Additional and emergency; 031 KAR 004:120
Evaluation of; 031 KAR 004:100
Statewide Voter Registration
Current address of registered voters; 031 KAR 003:010
Voter registration list distribution; 031 KAR 003:010

ENERGY AND ENVIRONMENT CABINET
Environmental Protection, KAR Title 401
Kentucky Nature Preserves, KAR Title 400, 418
Natural Resources; KAR Title 405
Public Service Commission, KAR Title 807
Office of the Secretary
Administration
Administrative discovery; 400 KAR 001:040
Administrative hearings practice provisions; 400 KAR 001:090
Administrative hearings relating to matters brought under KRS 350.310 through 351.375; 400 KAR 001:110
Definitions for 400 KAR Chapter 1; 400 KAR 001:001
General administrative hearing practice provisions relating to matters brought under KRS Chapters 146, 149, 151, 223, 224, and 353; 400 KAR 001:100

ENVIRONMENTAL PROTECTION
Air Quality
Permit application forms; 401 KAR 052:050
Registration of air contaminant sources; 401 KAR 052:070
Certified Operators
Definitions for 401 KAR Chapter 011; 401 KAR 011:001
Operator and training provider certification; 401 KAR 011:050
Operator and training provider certification fees; 401 KAR 011:060
Wastewater treatment and collection system operators; classification and qualifications; 401 KAR 011:030
Water treatment and distribution system operators; classification and qualifications; 401 KAR 011:040
Water Quality
Operation of wastewater systems by certified operators; 401 KAR 005:010
Water Quality Certification
Drinking water program fees; 401 KAR 008:050
Water treatment plant and water distribution system classification and staffing; 401 KAR 008:030

EXECUTIVE BRANCH ETHICS COMMISSION
Administrative proceedings; 009 KAR 001:030
Executive agency lobbyist, employer or executive agency lobbyist, and real party in interest registration and expenditure statements; financial transactions and termination forms; and enforcement; 009 KAR 001:040
Pre-administrative proceedings; 009 KAR 001:015
Statement of financial disclosure; 009 KAR 001:010

FACILITIES AND SUPPORT SERVICES
Office of Financial Management
Repeal of 200 KAR 014:200; 200 KAR 014:201
State-Owned Buildings and Grounds
Use of State-Owned facilities and grounds; 200 KAR 003:020

FINANCIAL INSTITUTIONS
Administration
Automated teller machines; 808 KAR 001:060
Fees; 808 KAR 001:140.
Licensing and Registration; 808 KAR 001:170
Repeal of 808 KAR 001:020, 001:050, 001:090, 001:120, 001:130, 001:150, and 001:160; 808 KAR 001:161
Use of special restricted funds; 808 KAR 001:180
Administrative Hearing
Record retention; 808 KAR 014 010
Annual reporting; 808 KAR 014:20

Check Cashing
Customer account transfers; 808 KAR 009:040
Deferred deposit database compliance; 808 KAR 009:010
Licensee change of control; 808 KAR 009:050
Repeal of 808 KAR 009:020 and 009:030; 808 KAR 009:031
Credit Unions
Conduct of Credit Unions; 808 KAR 003:050
Repeal of 808 KAR 00:020 and 003:060; 808 KAR 003:061
General
Bank branches, offices, and loan production offices; 808 KAR 015:030
Exceptions to bank lending limits; 808 KAR 015:010
Multibank companies; 808 KAR 015:040
Stay of notice of intention to remove from office; 808 KAR 015:020
Industrial Loans
Consumer Loans
Mandatory availability for repayment; 808 KAR 006:095
Repeal of 808 KAR 005:040; 808 KAR 005:041
Repeal of 808 KAR 006:015, 006:105, 006:115, and 006:120; 808 KAR 006:121
Multibank Companies
808 KAR 011:021. Repeal of 808 KAR 011:020.
Mortgage Loan Companies and Mortgage Loan Brokers
Processing and closing charges for real estate loans to consumers; 808 KAR 012:050
Repeal of 808 KAR 012:002, 012:021, 012:022, 012:023, 012:024, 012:030, and 012:110; 808 KAR 012:111
Uniform standards for mortgage loan processor applicant employee background checks; 808 KAR 012:055

FISH AND WILDLIFE
Fish
Asian Carp and Scaled Rough Fish Harvest Program; 301 KAR 001:152
Aquatic organisms; propagation of; 301 KAR 001:115
Boat and motor restrictions; 301 KAR 001:015
Commercial fishing requirements; 301 KAR 001:155
Sale of live bait; 301 KAR 001:132
Taking of fish by nontraditional fishing methods; 301 KAR 001:410
Taking of fish by traditional fishing methods; 301 KAR 001:201
Game
Black bear seasons and requirements; 300 KAR 002:300
Commercial guide license; 301 KAR 002:030
Deer hunting on Wildlife Management Areas, state parks, other public lands, and federally controlled areas; 301 KAR 002:178
Deer hunting seasons, zones, and requirements; 301 KAR 002:172
Dove, wood duck, teal, and other migratory game bird hunting; 301 KAR 002:225
Elk hunting seasons, permits, zones, and requirements; 301 KAR 002:132
Importation of cervid carcasses and parts; 301 KAR 002:095
Waterfowl seasons and limits; 301 KAR 002:221
Waterfowl hunting requirements on public land; 301 KAR 002:222
Hunting and Fishing
License, tag, and permit fees; 301 KAR 003:022
Repeal of 301 KAR 003:090; 301 KAR 003:091
Special commission permits; 301 KAR 003:100
Wildlife
Buying and selling of inedible wildlife parts; 301 KAR 004:090

FOOD STAMPS
Now called Supplemental Nutrition Assistance Program
See Community Based Services; 921 KAR Chapter 3

HEALTH AND FAMILY SERVICES
See listing below for specific subject headings:
Aging and Independent Living; KAR Title 910
Behavioral Health, Developmental and Intellectual Disabilities; KAR Title 908
Community Based Services; KAR Title 921
Inspector General (Health); KAR Title 900, 902, 906
Medicaid Services; KAR Title 895 and 907
Office for Children with Special Health Care Needs; KAR Title 911

HIGHER EDUCATION ASSISTANCE AUTHORITY
Grant Programs
CAP grant award determination procedure; 011 KAR 005:145
KEES Program
http://www.lrc.ky.gov/kar/011/015/010.pdfDefinitions; 11 KAR 015:010
Scholarships for Registered Apprenticeship programs; 011 KAR 015:110
KHEAA Grant Programs
CAP grant award determination procedure; 011 KAR 005:145
Student and Administrative Services
Student aid applications; 011 KAR 004:080

HORSE RACING COMMISSION
Flat and Steeplechase Racing
Claiming races; 810 KAR 004:050
Definitions; 810 KAR 004:001
Entries, subscriptions, and declarations; 810 KAR 004:030
Horses; 810 KAR 004:010
Jockeys and apprentices; 810 KAR 004:070
Objections and complaints; 810 KAR 004:060
Owners; 810 KAR 004:090
Running of the race; 810 KAR 004:040
Steeplechase racing; 810 KAR 004:080
Trainers; 810 KAR 004:100
Weights; 810 KAR 004:020
General
Chemical dependency; 810 KAR 002:030
Definitions; 810 KAR 002:001
Judges and Standardbred racing officials; 810 KAR 002:050
Owners' authorized agents and jockey agents; 810 KAR 002:060
Racing commission and administrative staff; 810 KAR 002:010
Standardbred racing associations; 810 KAR 002:080
Stewards; 810 KAR 002:040
Thoroughbred and flat racing officials; 810 KAR 002:020
Thoroughbred and other flat racing associations; 810 KAR 002:070
Harness Racing
Repeal of 811 KAR 001:010, 811 KAR 001:015, 811 KAR 001:020, 811 KAR 001:025, 811 KAR 001:030, 811 KAR 001:035, 811 KAR 001:037, 811 KAR 001:040, 811 KAR 001:045, 811 KAR 001:050, 811 KAR 001:055, 811 KAR 001:060, 811 KAR 001:065, 811 KAR 001:070, 811 KAR 001:075, 811 KAR 001:080, 811 KAR 001:085, 811 KAR 001:90, 811 KAR 001:093, 811 KAR 001:095, 811 KAR 001:100, 811 KAR 001:105, 811 KAR 001:110, 811 KAR 001:115, 811 KAR 001:120, 811 KAR 001:130, 811 KAR 001:140, 811 KAR 001:150, 811 KAR 001:185, 811 KAR 001:215, 811 KAR 001:220, 811 KAR 001:225, 811 KAR 001:230, 811 KAR 001:260, 811 KAR 001:280, 811 KAR 001:285, 811 KAR 001:290, and 811 KAR 001:300; 811 KAR 001:301
Incentive and Development Funds
Backside improvement fund; 810 KAR 007:010
Kentucky Standardbred development fund and Kentucky Standardbred breeders' incentive fund; 810 KAR 007:040
Kentucky thoroughbred breeders' incentive fund; 810 KAR 007:020
Kentucky thoroughbred development fund; 810 KAR 007:030
Kentucky Quarter Horse, Paint Horse, Appaloosa, and Arabian development fund; 810 KAR 07:060
Violations, discipline, disputes, and investigation; 810 KAR 007:070
Licensing
Advance deposit account wagering; 810 KAR 003:040
Definitions; 810 KAR 003:001
Licensing of racing associations; 810 KAR 003:010
Licensing of racing participants; 810 KAR 003:020

Licensing totalizator companies; 810 KAR 003:030
Simulcast facilities; 810 KAR 003:050
Medication Guidelines
Medication; testing procedures; prohibited practices; 810 KAR 008:010
Drug, medication, and substance classification schedule and withdrawal guidelines; 810 KAR 008:020
Disciplinary measures and penalties; 810 KAR 008:030
Out-of-competition testing; 810 KAR 008:040
International medication protocol as condition of a race; 810 KAR 008:050
Post-race sampling and testing procedures;
Hearings and Appeals
810 KAR 009:010. Hearings, reviews and appeals.
Pari-Mutuel Wagering
Calculation of payouts and distribution of pools; 810 KAR 006:020
Quarter Horse, Paint Horse, Appaloosa, and Arabian Racing
Repeal of 811 KAR 002:015, 811 KAR 002:020, 811 KAR 002:030, 811 KAR 002:035, 811 KAR 002:040, 811 KAR 002:045, 811 KAR 002:050, 811 KAR 002:056, 811 KAR 002:065, 811 KAR 002:070, 811 KAR 002:075, 811 KAR 002:080, 811 KAR 002:085811 KAR 002:090, 811 KAR 002:093, 811 KAR 002:096, 811 KAR 002:100, 811 KAR 002:105, 811 KAR 002:110, 811 KAR 002:130, 811 KAR 002:140, 811 KAR 002:150, 811 KAR 002:170, 811 KAR 002:180, 811 KAR 002:185, 811 KAR 002:190, 811 KAR 002:200, and 811 KAR 002:300; 811 KAR 002:301
Standardbred Racing
Claiming races; 810 KAR 05:030
Definitions; 810 KAR 005:001
Eligibility and classification; 810 KAR 005:020
Entries and starters; 810 KAR 005:060
Farm, corporate, or stable name; 810 KAR 005:040
Harness racing and county fairs; 810 KAR 005:080
Registration and identification of horses; 810 KAR 005:010
Running of the race; 810 KAR 005:070
Stakes and futurities; 810 KAR 005:050
Thoroughbred Racing
Repeal of 810 KAR 001:004, 810 KAR 001:005, 810 KAR 001:007, 810 KAR 001:008, 810 KAR 001:009, 810 KAR 001:010, 810 KAR 001:012, 810 KAR 001:014, 810 KAR 001:015, 810 KAR 001:016, 810 KAR 001:017, 810 KAR 001:018, 810 KAR 001:021, 810 KAR 001:024, 810 KAR 001:026, 810 KAR 001:027, 810 KAR 001:028, 810 KAR 001:029, 810 KAR 001:030, 810 KAR 001:037, 810 KAR 001:040, 810 KAR 001:050, 810 KAR 001:060, 810 KAR 001:070, 810 KAR 001:080, 810 KAR 001:090, 810 KAR 001:100, 810 KAR 001:110, 810 KAR 001:130, 810 KAR 001:140, 810 KAR 001:145, 810 KAR 001:150, and 810 KAR 001:300; 810 KAR 001:301

HOUSING, BUILDINGS, AND CONSTRUCTION
Boilers and Pressure Vessels
Boiler and pressure vessel licenses; 815 KAR 015:080
Building Code
Kentucky Certified Building Inspector Program; 815 KAR 007:070
Electrical
815 KAR 035:015. Certification of electrical inspectors
815 KAR 035:020. Electrical inspections
815 KAR 035:060. Licensing of electrical contractors, master electricians, and electricians
815 KAR 035:080. Electrical code of ethics
815 KAR 035:090. Electrical Training Program Standards
815 KAR 035:101. Repeal of 815 KAR 035:100
Elevator Safety
Elevator licensing; 815 KAR 004:030.
Repeal of 815 KAR 004:040, 815 KAR 004:050, 815 KAR 004:060, and 815 KAR 004:070; 815 KAR 004:071
Fire Protection, Sprinkler Contractors, and Inspectors
Repeal of 815 KAR 022:010; 815 KAR 022:011
General Section
Continuing education; 815 KAR 002:010
Continuing education course and provider approval; 815 KAR 002:020
Fees and refunds; 815 KAR 002:040
Vehicle identification; 815 KAR 002:030
Heating, Ventilation, and Air Conditioning Licensing Requirements
Apprentice HVAC mechanic registration and certification requirements; 815 KAR 008:030
Licensing requirements for master contractors and journeyman HVAC mechanics; 815 KAR 008:010
Repeal of 815 KAR 008:020, 815 KAR 008:035, 815 KAR 008:050, 815 KAR 008:060, 815 KAR 008:090, and 815 KAR 008:095; 815 KAR 008:091
Manufactured Homes and Recreational Vehicles
Administration and enforcement of manufactured housing construction standards; 815 KAR 025:050
Alternative dispute resolution and mediation program; 815 KAR 025:100.
Definitions for 815 KAR Chapter 025; 815 KAR 025:011
Fire safety requirements in manufactured and mobile homes; 815 KAR 025:040
Licensing and certifications with manufactured homes and mobile homes; 815 KAR 025:060
Recreational vehicles; 815 KAR 025:020
Repeal of 815 KAR 025:070 and 815 KAR 025:080; 815 KAR 025:081
Site preparation, installation, and inspection requirements; 815 KAR 025:090
Plumbing
Plumbing licenses; 815 KAR 020:030
Repeal of 815 KAR 020:012, 815 KAR 020:015, 815 KAR 020:018, 815 KAR 020:032, 815 KAR 020:034, and 815 KAR 020:040; 815 KAR 020:041
Real Estate Authority: Board of Home Inspectors
Definitions for 815 KAR Chapter 6; 815 KAR 006:001
Education requirements and providers; 815 KAR 006:040
Licensing requirements; 815 KAR 006:010.
Repeal of 815 KAR 006:020, 815 KAR 006:080, 815 KAR 006:090, and 815 KAR 006:100; 815 KAR 006:101
Standards of conduct, complaints, and discipline; 815 KAR 006:030

JUVENILE JUSTICE
Child Welfare
Department of Juvenile Justice Policies and Procedures: Admissions; 505 KAR 001:100
Department of Juvenile Justice Policy and Procedures: Interstate compact for juveniles; 505 KAR 001:190
Department of Juvenile Justice Policy and Procedures Manual: day treatment services; 505 KAR 001:180
Department of Juvenile Justice Policy and Procedures Manual: program services; 505 KAR 001:110
Kentucky Educational Collaborative for state agency children; 505 KAR 001:080

HOUSING, BUILDINGS AND CONSTRUCTION
Kentucky Building Code
Kentucky Building Code; 815 KAR 007:120
Kentucky Residential Code; 815 KAR 007:125

INSPECTOR GENERAL (HEALTH)
Civil Money Penalty Funds collected from certified Long-term Care facilities; 906 KAR 001:200
Inspector General
Repeal of 906 KAR 001:050, 906 KAR 001:060, and 906 KAR 001:070; 906 KAR 1:071E
National background check; 906 KAR 001:190
Kentucky Health Information Exchange
Kentucky Health Information Exchange participation; 900 KAR 009:010
State Health Plan
State Health Plan for facilities and services; 900 KAR 005:020

INSURANCE
Administration

Disclosure of insurance premium surcharge; 806 KAR 002:100
Disclosure of local government taxes and collection fee; 806 KAR 002:092
Repeal of 806 KAR 002:120 and 806 KAR 002:150; 806 KAR 002:121
Agents, Consultants, Solicitors, and Adjusters
Adjuster licensing restrictions; 806 KAR 009:030
Agent's rights after contract termination; 806 KAR 009:110
Disclosure requirements for financial institutions authorized to engage in insurance agency activities; 806 KAR 009:190
Examinations; 806 KAR 009:070
False or deceptive names, titles, prohibited; 806 KAR 009:020
Life settlement licenses; 806 KAR 009:310
Pharmacy Benefit Manager License; 806 KAR 9:360
Prelicensing courses of study; 806 KAR 009:001
Recognition of financial planning certification and designation for receipt of fees and commissions; 806 KAR 009:350
Repeal of 806 KAR 009:060; 806 KAR 009:061
Repeal of 806 KAR 009:320; 806 KAR 009:321
Repeal of 806 KAR 009:341; 806 KAR 009:341
Volume of insurance agent exchange of business; 806 KAR 009:200
Health Insurance Contracts
Disclosure of other coverage in application; 806 KAR 017:020
Medicare supplement insurance policies and certificates, minimum standards for; 806 KAR 17:570
Prompt payment of claims; 806 KAR 017:360
Provider agreement and risk-sharing agreement filing requirements; 806 KAR 017:300
Repeal of 806 KAR 017:010, 806 KAR 017:090, 806 KAR 017:130, 806 KAR 017:310, 806 KAR 017:320, 806 KAR 017:330, 806 KAR 017:440, 806 KAR 017:460, 806 KAR 017:500, 806 KAR 017:540, 806 KAR 017:545, 806 KAR 017:555; 806 KAR 017:091.
Insurance Fraud
Fraud prevention; 806 KAR 047:010
Repeal of 806 KAR 047:020 and 806 KAR 047:030.Kinds of Insurance; Limits of Risk; Reinsurance; 806 KAR 047:021
Repeal of 806 KAR 005:010 and 806 KAR 005:020; 806 KAR 005:011
Life Insurance and Annuity Contracts
Repeal of 806 KAR 015:080; 806 KAR 015:081
urplus Lines
Repeal of 806 KAR 010:050; 806 KAR 010:051807 kar
Surplus lines reporting and tax payment structure; 806 KAR 010:030

JUSTICE AND PUBLIC SAFETY
Asset Forfeiture
Repeal of 500 KAR 009:010, 500 KAR 009:020, 500 KAR 009:030, and 500 KAR 009:040; 500 KAR 009:011
Corrections, KAR Title 501
Juvenile Justice; KAR 505
Kentucky Law Enforcement Council
Department of Criminal justice Training basic training graduation requirements; records; 503 KAR 001:110
Motorcycle Safety Education Commission
Motorcycle safety education program; 500 KAR 015:010
Special Law Enforcement Officers
Special Law Enforcement Officers
Filing and processing SLPO commissions; 500 KAR 003:020

LABOR
See listing below for specific subject headings:
Occupational Safety and Health Review Commission; 803 KAR Chapter 050
Workplace Standards; KAR Title 803 *(See Workplace Standards)*
Workers' Claims; 803 KAR Chapter 025 *(See Workers' Claims)*
Workers' Compensation Funding Commission, 803 KAR Chapter 030

LICENSURE FOR LONG-TERM CARE ADMINISTRATORS
Renewal, reinstatement, and reactivation of license; 201 KAR 006:040
Temporary permits; 201 KAR 006:030

LICENSURE FOR MARRIAGE AND FAMILY THERAPISTS
Telehealth; 201 KAR 032:110

KENTUCKY LOTTERY CORPORATION
Code of ethics; 202 KAR 003:010
Internal audit; 202 KAR 003:040

MEDICAID SERVICES
Certificate of Need
Certificate of need application fee schedule; 900 KAR 006:020
Certificate of need nonsubstanstive review; 900 KAR 006:075
Commissioner's Office
Repeal of 900 KAR 001:090; 900 KAR 001:091
Health Benefit Exchange
Repeal of 900 KAR 010:010, 900 KAR 010:020, and 900 KAR 010:110; 900 KAR 010:021
Hospital Service Coverage and Reimbursement
Disproportionate share hospital distributions; 907 KAR 010:820
Medicaid
Accommodation, modifications, and appeals for beneficiaries participating in the Kentucky HEALTH program; 895 KAR 001:045
Beneficiary premiums; 895 KAR 001:025
Covered services within the Kentucky HEALTH program; 895 KAR 001:035
Deductible accounts within the Kentucky HEALTH program; 895 KAR 001:040
Definitions for 895 KAR Chapter 001; 895 KAR 001:001
Designation or determination of medically frail status or accommodation due to temporary vulnerability in the Kentucky HEALTH program; 895 KAR 001:055
Eligibility for Kentucky HEALTH program; 895 KAR 001:010
Enrollment and reimbursement for providers in the Kentucky HEALTH program; 895 KAR 001:050
Establishment and use of the MyRewards program; 895 KAR 001:030
PATH requirement for the Kentucky HEALTH program; 895 KAR 001:020
Premium payments within the Kentucky HEALTH programs; 895 KAR 001:015
Medical Review Panels
Medical review panels; 900 KAR 011:010
Medicaid Services
Hearings and appeals for individuals with intellectual disability; 907 KAR 001:075
Hospice services; 907 KAR 001:330
Medicaid covered services appeals and hearings unrelated to managed care; 907 KAR 001:563
Medicaid hearings and appeals regarding eligibility; 907 KAR 001:560
Nonduplication of payments; 907 KAR 001:005
Nursing facility services and intermediate care facility for individuals with an intellectual disability; 907 KAR 001:022
Payment for nursing facility services provided by an intermediate care facility for individuals with an intellectual disability, a dually-licensed pediatric facility, an institution for mental diseases, or a nursing facility with an all-inclusive rate unit; 907 KAR 001:025
Payments for podiatry program services; 907 KAR 001:280
Podiatry program services; 907 KAR 001:270
Preadmission Screening and Resident Review Program; 907 KAR 001:755
Preventative and remedial public health services; 907 KAR 001:360
Recipient cost-sharing; 907 KAR 001:604
Reimbursement for hospice services; 907 KAR 001:340
Repeal of 907 KAR 001:120 and 907 KAR 001:130; 907 KAR 001:121
Repeal of 907 KAR 001:436; 907 KAR 001:441
Occupational, Physical, and Speech Therapy
Coverage of occupational therapy, physical therapy, and speech-language pathology services provided by various

entities; 907 KAR 008:040
Office of Health Data and Analytics
Data reporting by health care providers; 900 KAR 007:030
Office of Inspector General
Citations and violations; criteria and specific acts; 900 KAR 002:040
Repeal of 900 KAR 002:020; 900 KAR 002:021
Payments and Services
Telehealth service coverage and reimbursement; 907 KAR 003:170
Program Integrity
Health Insurance Premium Payment (HIPP) Program; 907 KAR 005:005

MEDICAL IMAGING AND RADIATION THERAPY
Definitions for 201 KAR Chapter 046; 201 KAR 046:010
Education for medical imaging technologists, advanced imaging professionals, nuclear medicine technologists, radiographers, and radiation therapists; 201 KAR 046:030
Fees; 201 KAR 046:020
Limited X-Ray machine operator; 201 KAR 046:081
Medical imaging technologist, advanced imaging professional, radiographer, nuclear medicine technologist, and radiation therapist licenses; 201 KAR 046:040
Temporary license application for medical imaging technologists, advanced imaging professionals, radiographers, nuclear medicine technologists, and radiation therapists; 201 KAR 046:045

MEDICAL LICENSURE
Professional standards for prescribing and dispensing controlled substances; 201 KAR 009:260

MILITARY AFFAIRS
Disaster and Emergency Services
Kentucky Emergency Response Commission (KERC) fee account grant distribution formula; 106 KAR 001:121
Kentucky Emergency Response Commission (KERC) fee account grant review committee; 106 KAR 001:111
Kentucky Emergency Response Commission (KERC) fee account grant requirements for Local Emergency Planning Committees (LEPCs); 106 KAR 001:091
Kentucky Emergency Response Commission (KERC) fee account grant requirements for state agencies; 106 KAR 001:101
Kentucky Emergency Response Commission (KERC) Tier II reporting and fee schedule requirements; Extremely Hazardous Substance (EHS) facility planning participation requirements; 106 KAR 001:081

MINE PERMITS
Definitions for 405 KAR Chapter 010; 405 KAR 010: 001.
General bonding provisions; 405 KAR 010:015

MINE SAFETY
Mining Safety Standards
Employees' personal protection; 805 KAR 003:110
Equipment use and operation; 805 KAR 003:100
Miner Training, Education and Certification
Training, certification, and annual retraining of mine emergency technicians; 805 KAR 007:080

NATURAL RESOURCES
Coal Bed Methane; *805 KAR Chapter 009*
Forestry, *KAR Title 402*
Mining
Permits; *KAR Title 405*
Mine Safety; *805 KAR Chapters 003, 007 & 008*
Natural Resources; *805 KAR Chapter 003*
Oil and Gas; *805 KAR Chapter 001*
Waste Management; *401 KAR Chapter 039*

NATURE PRESERVES
General Administrative Procedures
Administrative procedures of the board; 418 KAR 001:020
Definitions for 418 KAR Chapter 1; 418 KAR 001:010
Grant applications; 418 KAR 001:040
Management; 418 KAR 001:060
Procedures for acquisition of land; 418 KAR 001:050
Remedies; 418 KAR 001:070
Office of Kentucky Nature Preserves
Dedication of nature preserves and registration of natural areas; 400 KAR 002:080
Definitions; 400 KAR 002:060
Hearings and appeals; 400 KAR 002:100
Management, use, and protection of nature preserves and natural areas; 400 KAR 002:090
The Office of Kentucky Nature Preserves; 400 KAR 002:070
Rare Plant Recognition
Criteria for identifying and designating endangered or threatened species of plants; 400 KAR 003:020
Definitions for 400 KAR Chapter 3; 400 KAR 003:010
Endangered or threatened plant list; 400 KAR 003:040
Procedures for inclusion, removal or change of status of plant species on the state endangered or threatened list; 400 KAR 003:030
Wild Rivers
Definitions for 400 KAR Chapter 4; 400 KAR 004:110
Wild rivers administration; 400 KAR 004:125

NURSING
Advanced practice registered nurse licensure and certification requirements; 201 KAR 020:056
Applications for licensure; 201 KAR 020:370
Continuing approval and periodic evaluation; 201 KAR 020:360
Continuing competency requirements; 201 KAR 020:215
Disciplinary proceedings; 201 KAR 020:162
Faculty for prelicensure registered nurse and practical nurse programs; 201 KAR 020:310
Fees for applications and for services; 201 KAR 020:240
Fines for programs of nursing; 201 KAR 020:362
Investigation and disposition of complaints; 201 KAR 020:161
Licensed practical nurse infusion therapy scope of practice; 201 KAR 020:49
Nursing continuing education provider approval; 201 KAR 020:220
Nurse licensure compact; 201 KAR 020:506
Organization and administration standards for prelicensure registered nurse or practical nurse programs of nursing; 201 KAR 020:260
Professional standards for prescribing Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone by APRNs for medication assisted treatment for opioid disorder; 201 KAR 020:065
Repeal of 201 KAR 020:235, 201 KAR 020:420, 201 KAR 020:430, 201 KAR 020:440, and 201 KAR 020:460; 201 KAR 020:26
Scope and standards of practice of advanced practice registered nurses; 201 KAR 020:057
Standards for advanced practice registered nurse (APRN) programs of nursing; 201 KAR 020:062
Standards for curriculum of prelicensure registered nurse and practical nurse programs; 201 KAR 020:320
Standards for developmental status, initial status, and approval of prelicensure registered nurse and practical nurse programs; 201 KAR 020:280
Students in prelicensure registered nurse and practical nurse programs; 201 KAR 020:340
Sexual Assault Nurse Examiner Program standards and credential requirements; 201 KAR 020:411

OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION
Hearings: procedure, disposition; 803 KAR 050:010

OCCUPATIONAL THERAPY
See also: Medicaid Services: Occupational, Physical, and Speech Therapy; 907 KAR Chapter 8
Deep physical agent modalities; 201 KAR 028:170

Licensure, renewals and requirements; 201 KAR 028:060
Repeal of 201 KAR 028:020: 201 KAR 028:090, 201 KAR 028:110, 201 KAR 028:180, and 201 KAR 028:210; 201 KAR 028:021

OFFICE FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS
Aging Services
Application to clinical programs; 911 KAR 001:010
Billing and fees; 911 KAR 001:020
Medical staff; 911 KAR 001:060
Repeal of 911 KAR 001:070 and 911 KAR 001:080; 911 KAR 001:071

OFFICE OF EMPLOYMENT AND TRAINING
Unemployment Insurance
Application for employer account; reports; 787 KAR 001:010

OIL AND GAS
Comment period for pooling of oil and gas shallow wells; 805 KAR 001:210

OPHTHALMIC DISPENSERS
Apprentices; 201 KAR 013:050
Continuing education requirements; 201 KAR 013:055
Licensing; 201 KAR 013:040
Military service; reciprocity; endorsement; 201 KAR 013:060

OPTOMETRIC EXAMINERS
Fee, annual renewal; 201 KAR 005:090

PERSONNEL CABINET
Classified
Compensation; 101 KAR 002:034
Classified compensation administrative regulations; 101 KAR 002:034
Employee performance evaluation system; 101 KAR 002:180
Employee performance management system; 101 KAR 002:190
General Service requirements; 101 KAR 002:095
Job classification plan; 101 KAR 002:020
Plan Year Handbook for the Public Employee Health Insurance Program; 101 KAR 002:210
Vacancies, detail to special duty and temporary overlap; 101 KAR 002:076
Unclassified
Compensation and pay incentives; 101 KAR 003:045
Service, promotion, transfer, disciplinary actions; 101 KAR 003:050

PHARMACY
Compounding for a veterinarian's office or institutional administration for veterinary use; 201 KAR 002:310
Continuing education; 201 KAR 002:015
Expungement; 201 KAR 002:270
Pharmacist interns; 201 KAR 002:095
Pharmacy services in long-term care facility (LTCF); 201 KAR 002:370
Reference material and prescription equipment; 201 KAR 002:090
Schools approved by the board; 201 KAR 002:010
Security and control of drugs and prescriptions; 201 KAR 002:100
Special limited pharmacy permit – charitable; 201 KAR 002:240
Special limited pharmacy permit – clinical practice; 201 KAR 002:340
Special limited pharmacy permit – medical gas; 201 KAR 002:225
Substitution of drugs, biologics and biosimilar products; 201 KAR 002:116
Transfer of prescription information; 201 KAR 002:165

PHYSICAL THERAPY
Eligibility and credentialing procedure; 201 KAR 022:020
Fees; 201 KAR 022:135
Physical Therapy Compact Commission; 201 KAR 022:170
Procedure for renewal or reinstatement of a credential for a physical therapist or physical therapist assistant; 201 KAR 022:040
Requirements for foreign-educated physical therapists and physical therapist assistants; 201 KAR 022:070

PODIATRY
Repeal of 201 KAR 025:0610; 201 KAR 025:062
Prescribing and dispensing controlled substances; 201 KAR 025:090

POSTSECONDARY EDUCATION
Public Educational Institutions
Guidelines for admission to the state-supported postsecondary education institutions; 013 KAR 002:020

PROFESSIONAL LICENSING
Athlete Agent Registry
Registration and Fees; 830 KAR 002:010
Occupations and Professions, Athlete Agents
Repeal of 200 KAR 030:010, 030:020, 030:030, 030:040, and 030:070; 200 KAR 030:011
Registry
Complaints; 830 KAR 002:020
Definitions; 830 KAR 002:001
Registration and fees; 830 KAR 2:010
Secondary Metals Recyclers
Forms for application, certificate of registration, fees; 830 KAR 001:010

PSYCHOLOGY
Continuing education; 201 KAR 026:175
Education requirements; 201 KAR 026:200
Grievances and administrative complaints; 201 KAR 026:130
Licensed psychological associate: application procedures and temporary license; 201 KAR 026:280
Procedures for disciplinary hearings; 201 KAR 026:140
Repeal of 201 KAR 026:210; 201 KAR 026:211
Requirements for supervision; 201 KAR 026:171

PUBLIC HEALTH
Controlled Substances
Repeal of 902 KAR 055:010; 902 KAR 055:011E
Food and Cosmetics
Body piercing and ear piercing; 902 KAR 045:070
Home-based processors and farmers market home-based microprocessors; 902 KAR 045:090
Inspection and permit fees for recreational vehicle communities, youth camps, and private water supplies; 902 KAR 045:120
Kentucky food code; 902 KAR 045:005
Kentucky food processing, packaging, storage, and distribution operations; 902 KAR 045:160
Permits and fees for retail food establishments, food manufacturing plants, food storage warehouses, salvage processors and distributors, vending machine companies, restricted food concessions, and cosmetic manufacturers; 902 KAR 045:110
Repeal of 902 KAR 045:006 and 902 KAR 045:140; 902 KAR 045:007
Tattooing; 902 KAR 045:065
Training facilities; 902 KAR 045:075
Epidemiology and Health Planning
Rabies control; 902 KAR 002:070.
Hazardous Substances
Repeal of 902 KAR 047:040, 902 KAR 047:050, 902 KAR 047:060, and 902 KAR 047:070; 902 KAR 047:071
Health Services and Facilities
Hospital-owned pain management clinics; 902 KAR 020:260
Freestanding or mobile technology; 902 KAR 020:275
License procedures and fee schedule; 902 KAR 020:008

Medically managed intensive inpatient withdrawal management; 902 KAR 020:111
Operation and services; nursing facilities; 902 KAR 020:300
Operation and services; personal care homes; 902 KAR 020:036
Repeal of 902 KAR 020:058, 902 KAR 020:145, 902 KAR 020:190, and 902 KAR 020:400; 902 KAR 020:401E
Repeal of 902 KAR 020:250; 902 KAR 020:251
Repeal of 902 KAR 020:073; 902 KAR 020:076
Kentucky Birth Surveillance Registry
Kentucky Birth Surveillance Registry; 902 KAR 019:010
Local Health Departments
Local health department accounting and auditing requirements; 902 KAR 008:165
Local health department financial management requirements; 902 KAR 008:170
Maternal and Child Health
Cost reimbursement for specialized food products; 902 KAR 004:035
Newborn screening program; 902 KAR 004:030
Milk and Milk Products
902 KAR 050:110. Grade A milk and milk products standards and Grade A milk sanitation requirements.
Repeal of 902 KAR 050:100; 902 KAR 050:101
Mobile Homes and Recreational Vehicles Parks; Facilities Standards
Manufactured and mobile homes; 902 KAR 015:010
Public Accommodations
Hotel and motel code; 902 KAR 007:010
Radiology
Licenses and radiation safety requirements for well logging; 902 KAR 100:142
Licenses for industrial radiography and radiation safety requirements for industrial radiographic operations; 902 KAR 100:100
Licensing requirements for land disposal of radioactive waste; 902 KAR 100:022
Medical use of byproduct material; 902 KAR 100:072.
Packaging and transportation of radioactive material; 902 KAR 100:070
Repeal of 902 KAR 100:017, 902 KAR 100:060, and 902 KAR 100:090; 902 KAR 100:018
Specific domestic licenses of broad scope for by product material; 902 KAR 100:052.
Sanitation
Kentucky youth camps; 902 KAR 010:040
Repeal of 902 KAR 010:050; 902 KAR 010:051
State and Local Confinement Facilities
Environmental health; 902 KAR 009:010

PUBLIC PROTECTION CABINET
See listing below for specific subject headings:
Alcoholic Beverage Control*; KAR Title 804 (See Alcoholic Beverage Control)*
Professional Licensing; *KAR Title 830 (See Professional Licensing)*
Secondary Metals Recyclers*; 830 KAR Chapter 1*
Charitable Gaming; *KAR Title 820*
Claims Commission; *KAR Title 107*
Financial Institutions; *KAR Title 808*
Horse Racing Commission, KAR Title 810
Housing, Buildings and Construction; *KAR Title 815 (See Housing, Buildings and Construction)*
Insurance; KAR Title 806 *(See Insurance)*

PRIVATE INVESTIGATORS
Application for licensure; 201 KAR 041:020
Compliant procedure; 201 KAR 041:080
Continuing professional education requirements; 201 KAR 041:070
Examination; 201 KAR 041:030
Fees; 201 KAR 041:040
Inactive status; 201 KAR 041:060
Renewal and reinstatement procedures; 201 KAR 041:065

PUBLIC SERVICE COMMISSION
Utilities
Fuel adjustment clause; 807 KAR 005:056
Gas service; 807 KAR 5:022
Gas service; gathering systems; 807 KAR 5:026

REAL ESTATE AUTHORITY
Auctioneers *(See Auctioneers, Kentucky Board of)*

RETIREMENT
General Rules
Involuntary cessation of participating employers; 105 KAR 001:147
Voluntary cessation of participation by employers; 105 KAR 001:145

REVENUE
Income Tax; Corporations
Corporation income taxes policies and circulars; 103 KAR 016:352
Repeal of 103 KAR 016:010, 103 KAR 016: 210, 103 KAR 016: 310, and 103 KAR 016:360; 103 KAR 016:011
Income Tax; Corporations
Appointment and allocation; alternative apportionment; separate accounting; 103 KAR 016:330
Appointment; payroll factor; 103 KAR 016:090
Appointment; property factor; 103 KAR 016:290
Apportionment; receipts factor; 103 KAR 016:270
Completed contract method; 103 KAR 016:340
Income classification; apportionable and nonapportionable; 103 KAR 016:060
Intangible expenses, intangible interest expense, and management fees; 103 KAR 016:230
Net operating loss computation and deduction for corporations; 103 KAR 016:250
Nexus standard for corporations and pass-through entities; 103 KAR 016:240
Repeal of 103 KAR 016:100, 103 KAR 016:110, 103 KAR 016:120, 103 KAR 016:130, 103 KAR 016:145, and 103 KAR 016:150; 103 KAR 016:151
Repeal of 103 KAR 016:380; 103 KAR 016:381
Income Tax; General Administration
Biodiesel tax credit; 103 KAR 015:140
Cellulosic ethanol tax credit; 103 KAR 015:120
Endow Kentucky Tax Credit; 103 KAR 015:195
Ethanol tax credit; 103 KAR 015:110
Filing dates and extensions; 103 KAR 015:050
Kentucky new markets development program tax credit; 103 KAR 015:180
Repeal of 103 KAR 15:040 and 103 KAR 15:090; 103 KAR 015:041.
Repeal of 103 KAR 015:060; 103 KAR 015:061
Taxation of federal and certain nonfederal obligations; 103 KAR 001:130
Waiver of penalties; 103 KAR 001:040
Income Tax; Individual
Combined individual returns; 103 KAR 017:020
Division of income between married individuals filing separate tax returns; 103 KAR 017:100
Income subject to taxation; portions; 103 KAR 017:060
Individual income tax – military personnel – nonresidents; 103 KAR 017:130
Individual income tax – reciprocity – nonresidents; 103 KAR 017:140
Repeal of 103 KAR 017:041; 103 KAR 017:042
Repeal of 103 KAR 017:120; 103 KAR 017:121
Residence; 103 KAR 017:010
Income Tax; Withholding
Employer's withholding reporting requirements; 103 KAR 018:150
Kentucky economic development acts wage assessment; 103 KAR 018:180
Repeal of 103 KAR 018:080 and 103 KAR 018:160; 103 KAR 018:081

Repeal of 103 KAR 018:190. 103 KAR 018:200, 103 KAR 018: 210, and 103 KAR 018:220; 103 KAR 018:191
Security for compliance; bonds; 103 KAR 018:120
Voluntary withholding; 103 KAR 018:110
Withholding statements; 103 KAR 018:050
Income Tax; Miscellaneous
Computation of income; estates and trusts; 103 KAR 019:010

TEACHERS' RETIREMENT SYSTEM
Collection of life insurance benefits; 102 KAR 001:163
Qualified domestic relations orders; 102 KAR 001:320
Refunds; 102 KAR 001:060.
Survivor's benefits; 102 KAR 001:168

TRANSPORTATION
See Vehicle Regulation; KAR Title 601
Preconstruction
Prequalification for construction, certificate of eligibility, and contract claims dispute; 603 KAR 002:015.
Traffic
Motor vehicle dimension limits; 603 KAR 005:070

SOCIAL WORK
Complaint procedure, disciplinary action, and reconsideration; 201 KAR 023:150

UTILITIES
See Public Service Commission; KAR Title 807

VEHICLE REGULATION
Motor Carriers
Ignition interlock; 601 KAR 2:030

WASTE MANAGEMENT
Hazardous Waste
General requirements; 401 KAR 039:060
Hazardous waste handlers; 401 KAR 039:080
Hazardous waste permit program; 401 KAR 039:090
Enforcement and Compliance Monitoring
Repeal of 401 KAR 040:050; 401 KAR 040:051
Underground Storage Tanks
Definitions for 401 KAR Chapter 042; 401 KAR 042:005
Petroleum Storage Tank Environmental Assurance Fund reimbursement; 401 KAR 042:250
Repeal of 401 KAR 042:011, 042:030, 042:040, 042:045, 042:050, 042:070, 042:080, 042:090, 042:095, 042:200, 042:290, 042:300, 042:316, 042:320, 042:335, and 042:340; 401 KAR 042:341
Small Owners Tank Removal Account; 401 KAR 042:330
UST system release and corrective action requirements; 401 KAR 042:060
UST system requirements, notification, registration, and annual fees; 401 KAR 042:020

WORKERS' CLAIMS
Continuation of medical benefits; 803 KAR 025:290
Fee schedule for physicians; 803 KAR 25:089
Pharmaceutical formulary; 803 KAR 025:270

WORKERS' COMPENSATION FUNDING
Repeal of 803 KAR 030:020; 803 KAR 030:021
Special fund assessments; 803 KAR 030:010

WORKFORCE DEVELOPMENT CABINET
Workers' Claims; 803 KAR Chapter 25 *(See Workers' Claims)*
Labor; KAR Title 803
Office of Employment and Training; KAR Title 787

WORKPLACE STANDARDS
Workers' Claims; 803 KAR Chapter 25 *(See Workers' Claims)*
Occupational Safety and Health
Cranes and derricks in construction; 803 KAR 002:505
Recordkeeping, reporting, statistics; 803 KAR 002:180
Toxic and hazardous substances; 803 KAR 002:320